

UNIVERSITY FOCUSED TRANSPORTATION STUDY
BUILD-OUT

LAND USE REPORT

ZONE	CODE	LAND USE	INTENSITY
1967	6001	HIGH RISE OFFICE	2.9 AC
1967	6002	LOW RISE OFFICE	51.8 AC
1967	6102	CHURCH	4.6 AC
1967	7602	PASSIVE PARK	4.7 AC
1967	9999	UNUSABLE	1.2 AC
1968	101	SINGLE FAMILY	40.0 DU
1968	7601	ACTIVE PARK	11.0 AC
1968	9999	UNUSABLE	17.6 AC
1970	101	SINGLE FAMILY	301.0 DU
1970	102	MULTI-FAMILY	243.0 DU
1970	4112	FREEWAY	11.2 AC
1970	5004	NEIGHBORHOOD SHOPPING CENTER	2.0 AC
1970	6102	CHURCH	2.0 AC
1970	6805	JUNIOR HIGH OR MIDDLE SCHOOL	18.8 AC
1970	6806	ELEMENTARY SCHOOL	7.9 AC
1970	7601	ACTIVE PARK	17.3 AC
1970	7603	OPEN SPACE	17.9 AC
1971	5004	NEIGHBORHOOD SHOPPING CENTER	7.0 AC
1971	5008	GAS STATION W/FOOD MRT	1.0 STA
1971	5010	FAST FOOD RESTAURANT	4.0 KSF
1971	6103	LIBRARY	1.2 AC
1972	101	SINGLE FAMILY	470.0 DU
1972	102	MULTI-FAMILY	329.0 DU
1972	4112	FREEWAY	8.5 AC
1972	5004	NEIGHBORHOOD SHOPPING CENTER	2.5 AC
1972	9999	UNUSABLE	33.5 AC
1973	101	SINGLE FAMILY	232.0 DU
1973	4112	FREEWAY	15.2 AC
1973	6102	CHURCH	1.4 AC
1973	9999	UNUSABLE	25.9 AC
1977	5004	NEIGHBORHOOD SHOPPING CENTER	8.8 AC

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ZONE	CODE	LAND USE	INTENSITY
1979	101	SINGLE FAMILY	118.0 DU
1979	9999	UNUSABLE	15.0 AC
1980	101	SINGLE FAMILY	870.0 DU
1980	4112	FREEWAY	34.3 AC
1980	5004	NEIGHBORHOOD SHOPPING CENTER	1.0 AC
1980	6102	CHURCH	8.4 AC
1980	6806	ELEMENTARY SCHOOL	14.3 AC
1980	7601	ACTIVE PARK	4.2 AC
1980	7602	PASSIVE PARK	107.4 AC
1980	7603	OPEN SPACE	9.7 AC
1980	9999	UNUSABLE	16.2 AC
1981	101	SINGLE FAMILY	334.0 DU
1981	4112	FREEWAY	8.2 AC
1981	5004	NEIGHBORHOOD SHOPPING CENTER	1.0 AC
1981	9999	UNUSABLE	41.3 AC

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LAND USE SUMMARY

CODE	LAND USE	INTENSITY
101	SINGLE FAMILY	4,604 DU
102	MULTI-FAMILY	19,504 DU
1501	HOTEL, MOTEL, OR RESORT	51 AC
2101	INDUSTRIAL PARK	358 AC
2103	LIGHT INDUSTRY	103 AC
2104	WAREHOUSING OR STORAGE	11 AC
2105	SPECIAL INDUSTRY	13 AC
2106	SCIENTIFIC R & D (KSF)	8,338 KSF
2107	LG. BUSINESS PARK (KSF)	909 KSF
4112	FREEWAY	320 AC
4113	COMMUNICATION OR UTILITY	2 AC
4116	PARK AND RIDE LOT	4 AC
4118	ROADS	25 AC
4119	OTHER TRANSPORTATION	11 AC
5001	WHOLESALE TRADE	17 AC
5002	REGIONAL SHOPPING CENTER	79 AC
5003	COMMUNITY SHOPPING CENTER	51 AC
5004	NEIGHBORHOOD SHOPPING CENTER	62 AC
5007	COMMUNITY SC ADJUSTMENT	100 TRIPS (x100)
5008	GAS STATION W/FOOD MRT (STA)	2 STA
5009	OTHER RETAIL	76 AC
5010	FAST FOOD RESTAURANT (KSF)	4 KSF
6001	HIGH RISE OFFICE	53 AC
6002	LOW RISE OFFICE	145 AC
6006	SMALL OFFICE BLDG. (KSF)	44 KSF
6102	CHURCH	30 AC
6103	LIBRARY	1 AC
6105	FIRE OR POLICE STATION	3 AC
6109	OTHER PUBLIC SERVICE	38 AC
6501	MAJOR HOSPITAL	33 AC
6502	HOSPITAL	47 AC
6503	HOSPITAL (BEDS)	320 AC
6504	MEDICAL OFFICE (KSF)	290 KSF
6801	SDSU OR UCSD	204 AC
6804	SENIOR HIGH SCHOOL	87 AC
6805	JUNIOR HIGH OR MIDDLE SCHOOL	19 AC
6806	ELEMENTARY SCHOOL	48 AC
6810	UCSD COUNTS	532 TRIPS (x100)
7204	GOLF COURSE	277 AC
7601	ACTIVE PARK	131 AC
7602	PASSIVE PARK	453 AC
7603	OPEN SPACE	736 AC
7604	ACTIVE BEACH	307 AC
9999	UNUSABLE	2,089 AC

SANDAG 2015 SERIES 8 FORECAST FOR UNIVERSITY AREA

LAND USE PERSON TRIP GENERATION RATES

CODE	NAME	RATES	TRIP END	SPLIT PERCENTAGES										SERV PASS	TOUR	APRT
				TOTAL	HOME WORK	HOME COLL	HOME SCHL	HOME SHOP	HOME OTHR	WORK OTHR	OTHR OTHR	OTHR OTHR	OTHR OTHR			
101	SINGLE FAMILY	12.0	P	849	176	17	96	192	331	6	69	97	12	4		
			A	151	27	0	0	0	394	33	388	138	20	0		
102	MULTI-FAMILY	10.0	P	863	178	31	66	234	328	5	61	80	14	3		
			A	137	37	0	0	0	409	31	385	120	18	0		
103	MOBILE HOME PARK	7.5	P	833	129	16	35	268	390	15	85	48	11	3		
			A	167	18	0	0	0	414	75	426	50	17	0		
104	LOW INCOME	8.9	P	863	178	31	66	234	328	5	61	80	14	3		
			A	137	37	0	0	0	409	31	385	120	18	0		
105	MID INCOME	11.0	P	849	176	17	96	192	331	6	69	97	12	4		
			A	151	27	0	0	0	394	33	388	138	20	0		
106	HIGH INCOME	11.7	P	849	176	17	96	192	331	6	69	97	12	4		
			A	151	27	0	0	0	394	33	388	138	20	0		
107	SFD UNIVERSITY S.	15.0	P	849	176	17	96	192	331	6	69	97	12	4		
			A	151	27	0	0	0	394	33	388	138	20	0		
1200	MULTI-FAMILY	95.1	P	863	178	31	66	234	328	5	61	80	14	3		
			A	137	37	0	0	0	409	31	385	120	18	0		
1401	JAIL	10.3	P	267	0	0	0	0	0	597	403	0	0	0		
			A	733	591	0	0	0	25	218	147	19	0	0		
1402	DORMITORY	.0	P	845	192	34	70	229	319	0	60	78	15	3		
			A	155	40	0	0	0	415	105	307	113	20	0		
1403	MILITARY BARRACKS	.0	P	845	192	34	70	229	319	0	60	78	15	3		
			A	155	40	0	0	0	415	105	307	113	20	0		
1404	MONASTERY	5.1	P	839	183	46	79	216	307	0	78	91	0	0		
			A	161	60	0	0	0	414	0	408	118	0	0		
1409	OTHER GROUP QUARTERS	5.3	P	857	192	35	69	217	329	5	66	87	0	0		
			A	143	32	0	0	0	421	29	398	120	0	0		
1501	HOTEL, MOTEL, OR RESORT	477.2	P	888	0	0	0	0	0	34	32	0	887	47		
			A	112	127	0	0	14	105	274	255	60	165	0		
2001	HEAVY INDUSTRY	64.1	P	261	0	0	0	0	0	500	446	0	39	15		
			A	739	547	0	0	0	26	177	158	20	72	0		
2100	LIGHT INDUSTRY	120.0	P	338	0	0	0	0	0	605	386	0	0	9		
			A	662	335	0	0	0	115	310	198	42	0	0		
2101	INDUSTRIAL PARK	120.0	P	338	0	0	0	0	0	605	386	0	0	9		
			A	662	335	0	0	0	115	310	198	42	0	0		
2102	LIGHT INDUSTRY	110.0	P	338	0	0	0	0	0	605	386	0	0	9		
			A	662	335	0	0	0	115	310	198	42	0	0		
2103	LIGHT INDUSTRY	110.0	P	320	0	0	0	0	0	603	373	0	18	6		
			A	680	428	0	0	0	48	285	175	26	38	0		
2104	WAREHOUSING OR STORAGE	33.9	P	323	0	0	0	0	0	611	383	0	0	6		
			A	677	448	0	0	0	51	292	183	26	0	0		
2105	SPECIAL INDUSTRY	247.0	P	367	0	0	0	0	0	770	222	0	0	8		
			A	633	427	0	0	0	140	252	134	47	0	0		
2106	SCIENTIFIC R & D (KSF)	10.8	P	338	0	0	0	0	0	605	386	0	0	9		
			A	662	335	0	0	0	115	310	198	42	0	0		
2107	LG. BUSINESSSS PARK (KSF)	14.8	P	338	0	0	0	0	0	605	386	0	0	9		
			A	662	335	0	0	0	115	310	198	42	0	0		
2201	EXTRACTIVE INDUSTRY	2.2	P	267	0	0	0	0	0	597	403	0	0	0		
			A	733	591	0	0	0	25	218	147	19	0	0		
2301	JUNKYARD, DUMP, OR LANDFILL	8.1	P	267	0	0	0	0	0	598	402	0	0	0		
			A	733	591	0	0	0	24	219	147	19	0	0		

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LAND USE PERSON TRIP GENERATION RATES

CODE	NAME	RATES	TRIP END	SPLIT PERCENTAGES										SERV PASS	TOUR	APRT
				TOTAL	HOME WORK	HOME COLL	HOME SCHL	HOME SHOP	HOME OTHR	WORK OTHR	OTHR OTHR	OTHR OTHR	OTHR OTHR			
4101	COMMERCIAL AIRPORT	155.7	P	0	0	0	0	0	0	0	0	0	0	0	0	1000
4102	MILITARY AIRPORT	.0	A	1000	17	0	0	0	0	0	0	0	0	0	0	983
4103	GENERAL AVIATION AIRPORT	9.9	P	347	0	0	0	0	0	805	110	0	0	0	85	0
4104	AIRSTRIP	1.3	A	653	450	0	0	0	47	76	134	23	270	0	0	0
4110	OTHER TRANSPORTATION	7.1	P	301	0	0	0	0	0	559	347	0	94	0	0	0
4111	TRANSIT STATION	254.3	A	699	344	0	0	0	38	241	150	20	207	0	0	0
4112	FREEWAY	.0	P	325	0	0	0	0	0	636	364	0	0	0	0	0
4113	COMMUNICATION OR UTILITY	2.8	A	675	444	0	0	0	49	307	176	24	0	0	0	0
4114	SURFACE PARKING LOT	.0	P	414	0	0	0	0	0	552	448	0	0	0	0	0
4115	STRUCTURE PARKING LOT	.0	A	586	354	0	0	0	214	93	110	229	0	0	0	0
4116	PARK AND RIDE LOT	301.1	P	302	0	0	0	0	0	346	645	0	9	0	0	0
4117	RAILROAD	.0	A	698	241	0	0	0	163	149	280	167	0	0	0	0
4118	ROADS	.0	P	500	100	100	100	100	100	100	100	100	100	100	100	100
4119	OTHER TRANSPORTATION	37.4	A	500	100	100	100	100	100	100	100	100	100	100	100	100
5000	GENERAL COMMERCIAL	461.0	P	370	0	0	0	0	0	612	382	0	0	0	0	6
5001	WHOLESALE TRADE	78.6	A	630	333	0	0	0	61	360	225	21	0	0	0	0
5002	REGIONAL SHOPPING CENTER	750.0	P	500	100	100	100	100	100	100	100	100	100	100	100	100
5003	COMMUNITY SHOPPING CENTER	1000.0	A	500	100	100	100	100	100	100	100	100	100	100	100	100
5004	NEIGHBORHOOD SHOPPING CENTER	1500.0	P	500	100	100	100	100	100	100	100	100	100	100	100	100
5005	SPECIALTY COMMERCIAL	1250.0	A	500	100	100	100	100	100	100	100	100	100	100	100	100
5007	COMMUNITY SC ADJUSTMENT	142.3	P	500	100	100	100	100	100	100	100	100	100	100	100	100
5008	GAS STATION W/FOOD MRT(/STA)	1190.0	A	500	100	100	100	100	100	100	100	100	100	100	100	100
5009	OTHER RETAIL	1250.0	P	500	100	100	100	100	100	100	100	100	100	100	100	100
5010	FAST FOOD RESTAURANT(/KSF)	963.0	A	230	0	0	0	0	0	195	353	0	452	0	0	0
6000	GENERAL OFFICE	400.0	P	770	46	0	0	0	31	59	105	32	727	0	0	0
			A	372	0	0	0	0	0	171	821	0	7	1	1	1
			P	628	67	0	0	166	135	102	487	23	20	0	0	0
			A	346	0	0	0	0	0	614	382	0	0	4	4	4
			P	654	297	0	0	0	55	325	203	21	99	0	0	0
			A	322	0	0	0	0	0	149	796	0	54	1	1	1
			P	678	56	0	0	269	66	71	380	18	140	0	0	0
			A	339	0	0	0	0	0	70	909	0	20	1	1	1
			P	661	30	0	0	227	157	36	468	27	55	0	0	0
			A	340	0	0	0	0	0	72	903	0	24	1	1	1
			P	660	30	0	0	225	152	37	466	25	65	0	0	0
			A	333	0	0	0	0	0	158	743	0	98	1	1	1
			P	667	47	0	0	125	98	79	371	18	262	0	0	0
			A	339	0	0	0	0	0	70	909	0	20	1	1	1
			P	661	30	0	0	227	157	36	468	27	55	0	0	0
			A	372	0	0	0	0	0	171	821	0	7	1	1	1
			P	628	67	0	0	166	135	102	487	23	20	0	0	0
			A	372	0	0	0	0	0	171	821	0	7	1	1	1
			P	628	67	0	0	166	135	102	487	23	20	0	0	0
			A	372	0	0	0	0	0	171	821	0	7	1	1	1
			P	628	67	0	0	166	135	102	487	23	20	0	0	0
			A	345	0	0	0	0	0	532	428	0	36	4	4	4
			P	655	265	0	0	0	116	281	226	8	104	0	0	0

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LAND USE PERSON TRIP GENERATION RATES

CODE	NAME	RATES	TRIP END	SPLIT PERCENTAGES										
				TOTAL	HOME WORK	HOME COLL	HOME SCHL	HOME SHOP	HOME OTHR	WORK OTHR	OTHR OTHR	SERV PASS	TOUR	APRT
6001	HIGH RISE OFFICE	950.0	P	343	0	0	0	0	0	567	398	0	32	3
			A	657	321	0	0	2	50	297	209	27	94	0
6002	LOW RISE OFFICE	400.0	P	345	0	0	0	0	0	532	428	0	36	4
			A	655	265	0	0	0	116	281	226	8	104	0
6003	GOV'T OFFICE OR CENTER	800.0	P	355	0	0	0	0	0	311	648	0	39	2
			A	645	117	0	0	0	226	171	357	15	114	0
6004	HIGH RISE OFFICE	2873.7	P	343	0	0	0	0	0	567	398	0	32	3
			A	657	321	0	0	2	50	297	209	27	94	0
6005	GREENWICH DR. OFFICES	280.0	P	345	0	0	0	0	0	532	428	0	36	4
			A	655	265	0	0	0	116	281	226	8	104	0
6006	SMALL OFFICE BLDG. (KSF)	25.7	P	345	0	0	0	0	0	532	428	0	36	4
			A	655	265	0	0	0	116	281	226	8	104	0
6100	PUBLIC SERVICE	261.5	P	300	0	0	0	0	0	205	795	0	0	0
			A	700	42	0	0	0	519	88	341	10	0	0
6101	CEMETERY	4.3	P	288	0	0	0	0	0	184	816	0	0	0
			A	712	322	0	0	0	232	74	331	0	41	0
6102	CHURCH	44.1	P	243	0	0	0	0	0	241	756	0	0	3
			A	757	63	0	0	0	513	78	243	85	18	0
6103	LIBRARY	299.8	P	365	0	0	0	0	0	322	678	0	0	0
			A	635	130	0	0	0	254	185	390	16	25	0
6104	POST OFFICE	1039.7	P	370	0	0	0	0	0	325	674	0	0	1
			A	630	134	0	0	0	257	191	397	17	4	0
6105	FIRE OR POLICE STATION	200.0	P	370	0	0	0	0	0	324	676	0	0	0
			A	630	134	0	0	0	260	191	397	18	0	0
6108	MISSION	53.6	P	219	0	0	0	0	0	165	518	0	315	2
			A	781	27	0	0	0	210	47	145	34	537	0
6109	OTHER PUBLIC SERVICE	261.5	P	300	0	0	0	0	0	205	795	0	0	0
			A	700	42	0	0	0	519	88	341	10	0	0
6500	HOSPITAL	400.0	P	259	0	0	0	0	0	264	723	0	8	5
			A	741	243	0	0	0	347	93	253	49	15	0
6501	MAJOR HOSPITAL	400.0	P	253	0	0	0	0	0	243	674	0	79	4
			A	747	206	0	0	0	300	83	228	40	143	0
6502	HOSPITAL	400.0	P	259	0	0	0	0	0	264	723	0	8	5
			A	741	243	0	0	0	347	93	253	49	15	0
6503	HOSPITAL (BEDS)	26.0	P	259	0	0	0	0	0	264	723	0	8	5
			A	741	243	0	0	0	347	93	253	49	15	0
6504	MEDICAL OFFICE (KSF)	65.0	P	320	0	0	0	0	0	237	758	0	3	2
			A	680	106	0	0	0	388	111	357	25	13	0
6509	OTHER HEALTH CARE	455.8	P	320	0	0	0	0	0	237	758	0	3	2
			A	680	106	0	0	0	388	111	357	25	13	0
6701	MILITARY USE	1.9	P	441	0	0	0	94	191	99	545	0	6	65
			A	559	168	0	0	32	264	78	430	20	8	0
6800	GENERAL SCHOOL	274.7	P	160	0	0	0	0	0	152	845	0	2	1
			A	840	31	0	468	0	118	29	162	190	2	0
6801	SDSU OR UCSD	146.4	P	284	50	0	0	108	223	157	438	0	21	3
			A	716	70	619	0	0	30	62	174	19	26	0
6802	UNIVERSITY OR COLLEGE	146.4	P	284	50	0	0	108	223	157	438	0	21	3
			A	716	70	619	0	0	30	62	174	19	26	0
6803	JUNIOR COLLEGE	186.6	P	144	0	0	0	0	0	185	799	0	14	2
			A	856	43	719	0	0	29	31	135	28	15	0

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LAND USE PERSON TRIP GENERATION RATES

CODE	NAME	RATES	TRIP END	SPLIT PERCENTAGES										
				TOTAL	HOME WORK	HOME COLL	HOME SCHL	HOME SHOP	HOME OTHR	WORK OTHR	OTHR OTHR	SERV PASS	TOUR	APRT
6804	SENIOR HIGH SCHOOL	159.5	P	188	0	0	0	0	0	185	809	0	4	2
			A	812	55	0	510	0	79	43	187	120	6	0
6805	JUNIOR HIGH OR MIDDLE SCHOOL	170.2	P	172	0	0	0	0	0	110	882	0	7	1
			A	828	32	0	530	0	73	23	184	149	9	0
6806	ELEMENTARY SCHOOL	274.7	P	160	0	0	0	0	0	152	845	0	2	1
			A	840	31	0	468	0	118	29	162	190	2	0
6807	SCHOOL DISTRICT OFFICE	264.8	P	345	0	0	0	0	0	530	429	0	37	4
			A	655	265	0	0	0	112	280	227	7	109	0
6810	UCSD COUNTS	131.2	P	284	50	0	0	108	223	157	438	0	21	3
			A	716	70	619	0	0	30	62	174	19	26	0
7200	OTHER RECREATION	7.0	P	258	0	0	0	0	0	118	882	0	0	0
			A	742	9	0	0	0	623	41	307	20	0	0
7201	TOURIST ATTRACTION	70.0	P	279	0	0	0	0	0	172	476	0	352	0
			A	721	57	0	0	0	334	67	184	0	358	0
7202	STADIUM OR ARENA	24.0	P	242	0	0	0	0	0	55	561	0	384	0
			A	758	48	0	0	0	265	18	179	9	481	0
7203	RACETRACK	15.7	P	245	0	0	0	0	0	67	698	0	235	0
			A	755	36	0	0	0	404	22	227	13	298	0
7204	GOLF COURSE	10.6	P	251	0	0	0	0	0	62	861	0	77	0
			A	749	7	0	0	0	601	21	289	17	65	0
7206	CONVENTION CENTER	400.4	P	261	0	0	0	0	0	34	363	0	481	122
			A	739	22	0	0	0	105	12	129	3	729	0
7207	MARINA	61.9	P	233	0	0	0	0	0	84	628	0	288	0
			A	767	4	0	0	0	292	26	191	10	477	0
7209	OTHER RECREATION	7.0	P	258	0	0	0	0	0	118	882	0	0	0
			A	742	9	0	0	0	623	41	307	20	0	0
7601	ACTIVE PARK	71.7	P	247	0	0	0	0	0	64	906	0	30	0
			A	753	8	0	0	0	626	21	298	19	28	0
7602	PASSIVE PARK	2.6	P	248	0	0	0	0	0	66	917	0	17	0
			A	752	0	0	0	0	647	22	303	19	9	0
7603	OPEN SPACE	.0	P	500	100	100	100	100	100	100	100	100	100	100
			A	500	100	100	100	100	100	100	100	100	100	100
7604	ACTIVE BEACH	175.0	P	291	0	0	0	0	0	36	545	0	419	0
			A	709	4	0	0	0	308	15	224	5	444	0
7605	PASSIVE BEACH	4.4	P	276	0	0	0	0	0	69	897	0	34	0
			A	724	13	0	0	0	592	26	343	13	13	0
8000	AGRICULTURE	2.3	P	251	0	0	0	0	0	917	83	0	0	0
			A	749	705	0	0	0	28	106	139	22	0	0
8001	ORCHARDS OR VINEYARD	2.3	P	267	0	0	0	0	0	598	402	0	0	0
			A	733	590	0	0	0	24	218	147	21	0	0
8002	INTENSIVE AGRICULTURE	2.3	P	266	0	0	0	0	0	595	405	0	0	0
			A	734	592	0	0	0	22	217	147	22	0	0
8003	FIELD CROPS	2.3	P	268	0	0	0	0	0	597	403	0	0	0
			A	732	590	0	0	0	24	219	148	19	0	0
9101	VACANT	.0	P	500	100	100	100	100	100	100	100	100	100	100
			A	500	100	100	100	100	100	100	100	100	100	100
9200	WATER	.0	P	500	100	100	100	100	100	100	100	100	100	100
			A	500	100	100	100	100	100	100	100	100	100	100
9201	BAYS, LAGOONS	.0	P	500	100	100	100	100	100	100	100	100	100	100
			A	500	100	100	100	100	100	100	100	100	100	100

APPENDIX III

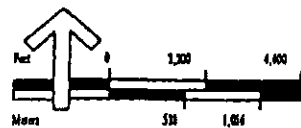
TAZ MAP

**UNIVERSITY
FOCUSED
TRANSPORTATION
STUDY**

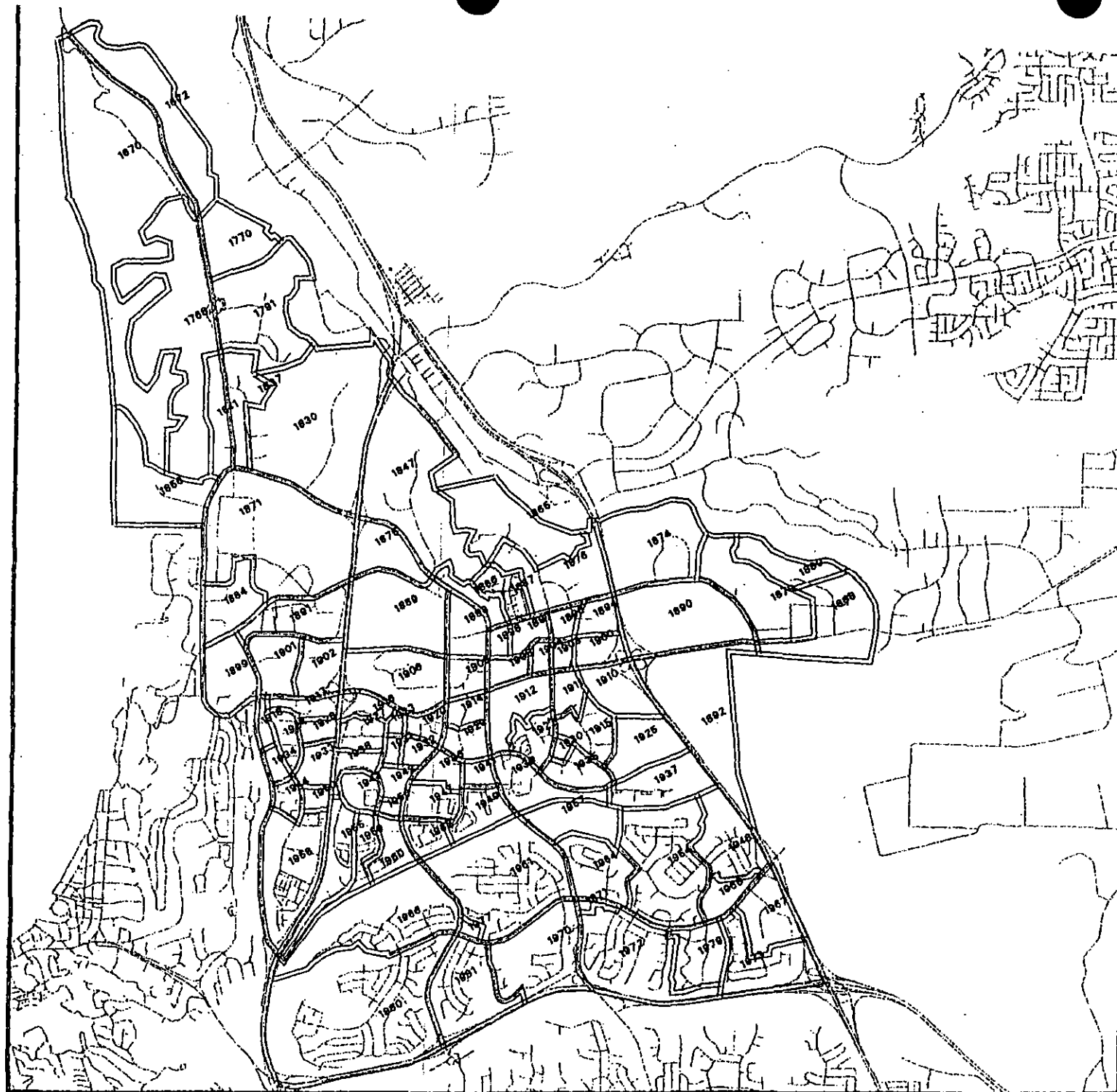
TAZ MAP

Key:

- # TAZ Numbers
- == TAZ Boundaries



November 6, 1996



APPENDIX IV

Traffic Volume Thresholds

**ROADWAY CLASSIFICATIONS, LEVELS OF SERVICE (LOS)
AND AVERAGE DAILY TRAFFIC (ADT)
THRESHOLDS FOR CITY STREETS**

STREET CLASSIFICATION	LANE S	CROSS SECTIONS	LEVEL OF SERVICE				
			A (.50)	B (.70)	C (1.00)	D (1.1-1.3)	E (1.2-1.6)
Freeway	8 lanes		60,000	84,000	120,000	140,000	150,000
Freeway	6 lanes		45,000	63,000	90,000	110,000	120,000
Freeway	4 lanes		30,000	42,000	60,000	70,000	80,000
Expressway	6 lanes	102/122	30,000	42,000	60,000	70,000	80,000
Prime Arterial	6 lanes	102/122	25,000	35,000	50,000	55,000	60,000
Major (Arterial) Street	6 lanes	102/122	20,000	28,000	40,000	45,000	50,000
Major (Arterial) Street	4 lanes	78/98	15,000	21,000	30,000	35,000	40,000
Collector	4 lanes	72/92	7,500	10,500	20,000	25,000	30,000
Collector (no center lane) (continuous left-turn lane)	4 lanes 2 lanes	64/84 52/72	5,000	7,000	10,000	13,000	15,000
Collector (no fronting property)	2 lanes	40/60	4,000	5,500	7,500	9,000	10,000
Collector (commercial-industrial fronting)	2 lanes	50/70	2,500	3,500	5,000	6,500	8,000
Collector (multi family)	2 lanes	40/60	2,500	3,500	5,000	6,500	8,000
Collector (single family)	2 lanes	40/60	--	--	2,200	--	--

LEGEND:

XXX/XXX = Curb-to curb width (feet)/right of way width (feet): based on the City of San Diego Street Design Manual.

XX,XXX = Approximate recommended ADT based on the City of San Diego Street Design Manual.

NOTES:

1. The volumes and the average daily level of service listed above are only intended as a general planning guideline.
2. Levels of service are not applied to residential streets since their primary purpose is to serve abutting lots, not carry through traffic. Levels of service normally apply to roads carrying through traffic between major trip generators and attractors.

Friends of Rose Canyon
6804 Fisk Avenue
San Diego, CA 92122
858-597-0220

August 5, 2002

Mr. Lawrence C. Monserratte
City of San Diego
Development Services Department
LAND DEVELOPMENT REVIEW DIVISION
1222 First Avenue
Mail Station 501
San Diego, CA 92101

Re: Proposed University Towne Center expansion project Notice of Preparation.
LDR No.41-1059/PTS No. 2214

Dear Mr. Monserratte:

On behalf of Friends of Rose Canyon, I am responding to the Notice of Preparation for the proposed University Towne Center expansion. Friends of Rose Canyon is a citizen's group based in University City.

The City's Notice of Preparation letter for the University Towne Center project fails to address perhaps the most significant environmental impacts this project will have. There are five areas not mentioned in the letter that should be addressed in the EIR.

1. The NOP assumes that two major road construction projects will occur: construction of the Regents Road bridge and the widening of Genesee Ave.

Many residents in the University City/Golden Triangle strongly oppose one or both of these projects. Because of this opposition, in June the City set in motion the environmental review process for an EIR that would consider five alternatives: doing just one or the other of these road projects, doing both, doing neither, or doing some alternative supported by the community.

If the City's EIR for the University Towne Center project proceeds with the assumption that the road projects will be built, the City is setting itself on a collision course with the community – and with its own planning department.

2. The NOP assumes these two road projects will be built, yet the EIR does not address their environmental impacts.

The UTC project threatens to be the straw that broke the camel's back: it will depend on and force the construction of these two road projects (which may otherwise not be built). The only way to get around this indirect impact is to change the scope of the EIR: it must assume that neither road project will be built.

If the City continues to assume both road projects will be built, then the EIR for the UTC project must address the major negative environmental impacts the road projects will have on the canyon and on the community. These include the destruction and degradation of biological resources in the canyon, including Rose Canyon Open Space

Park, which is part of the MSCP. The Regents Road bridge would destroy a valuable riparian area that the city has just spent five years and thousands of dollars and thousands of hours of volunteer and staff effort restoring. The bridge would destroy coastal sage scrub and other habitat that supports a rich assortment of wildlife, including threatened and endangered species. It would seriously degrade a wildlife corridor that links to Miramar and from there to other major natural areas.

The Regents Road bridge and the widening of Genesee would have major secondary environmental impacts as well that must be addressed in this EIR if the two road projects are assumed in the scope of the EIR. These include water and air quality, traffic/circulation, paleontology, noise, visual impacts, and loss of recreational opportunities currently beloved in the community. The construction of the Regents Road bridge would create a major thoroughfare that large numbers of children attending Doyle Elementary School and Spreckels Elementary School would have to cross.

All of the above impacts could be direct, indirect, or cumulative.

3. The NOP fails to address the biological impacts from this project separate and apart from the two road projects.

This project will concentrate substantial additional new development near a fragile and invaluable natural resource: Rose Canyon. The NOP fails to mention Rose Canyon's proximity to the UTC project site. The impacts on the biological resources in the canyon may result from infrastructure development required by or brought about as a result of this project. Impacts on the canyon will come from increased traffic adjacent to, over, and through the canyon on Genesee Avenue, Nobel Drive, Interstate 805, Interstate 5, Miramar Road, and other roads. Impacts will come from increased noise, decreased recreational value, and changes in air and water quality. There will also be increased direct human impacts on the canyon as more people live in, work in, and come to shop in the area. These impacts could be direct, indirect, or cumulative.

An official City document* describes Rose Canyon Open Space Park as "a very recognizable natural gem," a "living museum and natural classroom," and a place "that should be maintained in that capacity along with its recreational aspect for future generations to enjoy." The City states: "Rose Canyon is recognized as one of the last natural canyons in the area that contain the receding coastal sage scrub communities."

North University City already has high density, with more to come from UCSD and other projects. Urban encroachment has already had severe impacts on the canyon. The EIR for UTC must address the indirect and incremental affects of adding additional development so close to the canyon.

(*Application to the California Dept. Of Parks and Recreation Habitat Conservation Fund Program for Riparian Habitat Enhancement/Restoration in Rose Canyon Open Space Park, 1997.)

4. The NOP fails to address community incompatibility: the adverse impact this project will have on South University City, a community of primarily single-family homes.

The UTC project will have major negative environmental impacts on both North and South University City by increasing traffic, noise and density and by decreasing air quality. These impacts will be especially dramatic in South University City, which consists primarily of single-family homes. The impact of the high density in North University City already has negative impacts in South UC. The UTC project will have a

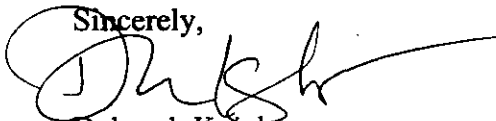
cumulative and significant non-mitigatable impact on the character of South University City. There should be a full analysis of the impacts of this project on all existing communities in University City, especially South University City.

5. The NOP fails to mention the ways in which the UTC project is inconsistent with:

- **The City's own Final EIR for the City of Villages**
 - **The City's own stated values and priorities for "City of Villages" projects**
- a. The Final EIR for the City of Villages states "the proposed growth strategy would pose no direct or indirect impact" on habitat, wildlife, natural open space and natural drainages (p. ii). As discussed above, the UTC project will pose both direct and indirect impacts on habitat, wildlife, natural open space, and potentially on natural drainages.
 - b. The Final EIR for the City of Villages Strategy states there will be significant environmental impacts that cannot be mitigated. It cites the following factor to outweigh these adverse effects: "Preservation of Single-Family Neighborhoods." Yet the proposed UTC project will have significant negative environmental impacts on South University City, a single-family neighborhood.
 - c. The City lists the following as its first core value for City of Villages:
"Open Space. We value the City's extraordinary setting, defined by its open spaces, natural habitat and unique topography." Rather than support this core value, the UTC project will, via indirect and cumulative impacts, destroy and degrade open space.
 - d. The City lists among its threshold criteria for Pilot Projects for City of Villages:
"There must be general community acceptance and public support for the project." To date, there is neither for the UTC project. In fact, there is very significant opposition to the project (both in the UCPG and in the community in general). If this project intends to use San Diego's City of Villages program as the rationale or as an overriding consideration for the proposed project, then the inconsistencies between the project and the city of villages program must be fully addressed in the EIR.

We urge that the draft EIR give full consideration to all of the five areas outlined above. We appreciate the opportunity to comment on this project. If you have any questions, please call me.

Sincerely,



Deborah Knight



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PROJECT MANAGEMENT
AUG 09 2002
RECEIVED

Martha Blake
Development Services Department
City of San Diego
122 First Avenue, Mail Station 501
San Diego 92101.

09 August, 2002.

Re: Notice of Preparation of a Draft Environment Impact Report (EIR) for the University Towne Center (LDR No. 41-1059/PTS No. 2214)

The Center on Policy Initiatives is a research and advocacy organization concerned about working families. Our primary concern is that issues related to low-income working families should not be brushed aside, and there should be sincere implementation of measures that mitigate the impacts caused by new development. We believe that working conditions, the environment and wages constitute a whole package that directly impacts the physical well-being of the community.

We have reviewed the notice of preparation and have the following concerns:

Population and Housing

Given that this project will create 750 multi-family residential units there is inevitably going to be a significant impact on population, housing and employment.

We therefore recommend a separate section on Population and Housing characteristics, particularly:

- a) Existing conditions and projected growth of residential population both within the project area and the surrounding areas.
- b) Jobs-housing balance in the community and how it will be impacted by the project.
- c) Employment characteristics of the new development that will enumerate the types of jobs, wages and benefits. This will corroborate whether workers can live and work within the same community.

Economic Impacts

The proposed development creates thousands of low-wage jobs in industry sectors that depress the median wage of the community. We estimate that there will be over 60 janitors and about 200 hotel workers earning minimum wages. These low-wage jobs

create a cycle of poverty within the communities that serve them, leading to economic, social and physical blight.

Although economic or social impacts of a project are not treated as significant impacts on the environment under CEQA, the EIR may trace a chain of cause and effect through economic changes that may ultimately cause physical changes. In fact "social or economic change related to a physical change may be considered in determining whether the physical change is significant" (*Goleta Union School District v. Regents of University of California* (1995) Cal. App. 4th 1025, 103-1031).

The creation of low wage jobs in retail and the visitor industries, without creation of commensurate affordable housing does impact the physical environment not only of the community but that of the whole City. As per CEQA Guidelines: "If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant" (Section 15064(e)). This project is not a small employment center for nearby residents, but is a huge commercial center deluging whole city with thousands of underpaid workers who will be burdening the City's under-funded Section 8 housing, becoming homeless, and causing physical blight in other parts of the City.

Since the proponents of the project use the economic merits to justify the project (over a no-project alternative), it is imperative for them to lay out upfront what the economic and social costs are to the community. We must also be mindful of the fact that millions of public dollars are intended to be spent on public improvements, and the trolley-line extension: money that could be otherwise used to improve the physical infrastructure of the community in addressing the already persistent problems in traffic, noise and air quality.

We therefore sincerely urge you to include a section on "Economic Impacts" that will address the issues raised above. Economic impacts are directly correlated to a lot of physical impacts being discussed in the draft EIR.

Paleontological Sensitivity

The proposed UTC expansion is located within the Linda Vista Formation, an area of geological and paleontological importance because it is likely to contain fossils from the Pleistocene period. Excavation and construction in the Linda Vista in San Diego has yielded important fossils which are not part of the collection at the Museum of Natural History in Balboa Park. Any excavation which impacts the area should include as part of mitigation the assistance of paleontological experts to oversee excavation at the site. Additionally, below the Linda Vista formation (below 10 feet) there are likely to be even more important paleontological material dating back to the Eocene. Given the height and size of the proposed development, it seems likely that this stratum will be effected as well. This furthers the need for a mitigation plan for the potential disturbance of valuable paleontological materials. Furthermore, given that the Linda Vista, and the area in

question are both areas where vernal pools have been found, it would be possible for important oceanic fossils to be located in the area.

Paleontological resources, under California CEQA law are public resources subject to specific monitoring and mitigation guidelines.

- What are the existing monitoring plans for paleontological resources at the proposed site?
- Have geological analyses been conducted of the site to assess which geologic strata will be affected by excavation and reconstruction?
- What is greatest depth of excavation planned for the site?
- Has a preliminary survey of surface areas been conducted to assess visible paleontological formations?

Public Services

The project could potentially have an adverse impact on neighborhood services such as schools, parks and other facilities.

Water Conservation

We would like you to identify:

- 1) What conservation measures are already in place for irrigation of landscape?
- 2) What state laws apply to this project?

Transportation/Circulation

The area is already congested. Please comment on what improvements are being proposed for the following issues:

- 1) The off-ramp at the I-805N between 8-10 a.m.
- 2) The on-ramp at the I-805S between 4-6 p.m.
- 3) The on-ramp at the I-5N between 3-7p.m.

In addition the study should consider the impact on the freeways, particularly the I-5/I-805 merge going northward.

The main thoroughfares within the community (Genessee Avenue and La Jolla Drive) are continually clogged.

The minimal improvement of existing conditions should not in itself consist of a mitigation measure because the existing conditions are unacceptable by any standards.

In addition, the access to the employment sites created by the projects by workers should be considered. Depending on the mode of transport several issues arise:

- a) If employees are driving, is there sufficient parking allotted for them at rates they can afford?

- b) If the employees are taking transit, is there a sufficient transit infrastructure that accommodates the trips intended to be generated as soon as the project is completed? (Note that transit projects take much more time than private development)
- c) If the employees are walking or cycling, then is there housing nearby which they can afford with the wages they are expected to be paid by prospective tenants? Once again, although housing affordability is not a CEQA concern, here there is a direct nexus between the mode of transportation and affordability.

(1) Would the proposal result in an increase in projected traffic which is substantial in relation to the existing traffic load and capacity of the street system?

The answer to the question of projected traffic impact in relation to the existing traffic load and capacity of the street system should reflect a reasonable estimate of the increased traffic loads at the time of the project's completion due to transportation and circulation needs associated with a) the project's customer, management, staff and service employees b) a number of current and planned developments in the vicinity and its surroundings, and c) nearby school and community facility expansions and/or growth, including the Jewish Community Center, La Jolla Country Day School, and the University of California at San Diego. These estimates should be based not only on past growth rates, but on projections. These figures should be compared to traffic loads and road capacities in the absence of the project.

The impact of the project on nearby freeway traffic and access should also be considered based on past increases in traffic loads and projected growth. And it should reflect expected LOS at the time of project completion with the impact of auxiliary development taken into account. There are several freeways in the area: 5, 805, 52. These figures should be compared to traffic loads and road capacities without the project.

(2) Would the proposal result in effects on existing parking or cause an increased demand for off-site parking?

Of course the answer is yes, massively. Estimates for the construction of additional parking spaces should, of course, reflect the same volume of parking spaces as the volume of customers Westfield anticipates in its market analysis. These estimates should also take into consideration a projected increase in the need for parking based on population growth and heightened traffic loads. If not planned carefully, the mitigations for parking impact may contribute to congestion problems.

(3) Would the proposal conflict with adopted policies, plans or programs supporting alternative transportation modes (e.g., bus turnouts, bicycle racks, transit support facilities, pedestrian access?)

The proposal should be consistent with all community planning goals, relevant goals for historic preservation, and city planning guides and documents.

(4) Would the proposal result in an increase in traffic hazards to motor vehicles, pedestrians and bicycles?

This question should be answered in the context of the development site. It is surrounded by a major university, several schools, and a popular community center. All of these institutions are regularly attended and visited by children and other young people, many of whom prefer for one reason or another modes of transportation besides automobiles. Bicyclists and pedestrians are perhaps more common in this area than in any other. Existing conditions are not pedestrian friendly, and not particularly pedestrian safe. Any assessment of projected impacts and mitigations should take into consideration the existing size of the population of non-automobile commuters, their projected growth. More importantly, proposed mitigations should be cognizant of the age and experience of these commuters, as many of them are quite young.

This could pose additional problems for non-automobile drivers as drivers using arteries to skirt freeway traffic may operate vehicles in a hurried manner.

(5) What direct and/or cumulative impact would the project have on the existing and planned community and regional circulation networks?

Since the project would only add to growing traffic loads, it should be noted that projected growth for traffic loads if left unchecked may lead to a severe downturn in the quality of life for project area residents. If reasonable alternatives to automobile travel are not seriously considered, the assessment of cumulative traffic impacts will be insufficient.

With the proximity of so many freeways and freeway access points, environmental review should also consider potential increase in the use of arterial routes by commuters. This may impact estimates of future traffic loads and road capacity.

Noise

A noise survey or a traffic prediction model must be done to determine the current noise levels. The report should quantify anticipated changes in the noise environment by comparing ambient (existing) noise levels with estimated future levels. The evaluation should also address how the area will improve on the current conditions, since a lot of local, state and federal standards are not being met.

Fire Hazard

The proposed facilities and the close clustering of buildings present a potential fire hazard. In addition a sensitive use site (University City High School) may fall within the hazard area.

Therefore the report should include the following details:

- 1) Whether there are restricted areas for vehicles carrying fuel and other combustible materials, including details on access paths, turnarounds etc;
- 2) Whether there is any use of combustible materials in the construction of the buildings;
- 3) Whether inflammable articles in stores will be near fire-fighting equipment;
- 4) Whether there is an emergency response plan or an evacuation plan.

Aesthetics/Visual Quality

(1) Would the proposal result in a project bulk, scale, materials, or style which would be incompatible with surrounding development?

While the University Community is by no means a rural area, neither is it a dense, urban zone. The project's environmental impacts should be assessed with the scope of existing development and uses in mind, as well as the character of the surrounding community.

Air Quality

It is anticipated that because of the nature of the uses being proposed there will be heavy duty diesel-powered delivery trucks coming into the area. There will also be hundreds of cars idling in parking lots and in traffic jams on La Jolla Drive and Genessee Avenue.

Given that there is a sensitive receptor (University City High School and other schools) there should be a thorough analysis done of the pollutants (current and projected). Pollutants should include ozone, carbon dioxide, nitrogen dioxide, sulfur dioxide, total suspended particulate, lead, sulfate, non-methane hydrocarbons, hydrogen sulfide and visibility reducing particles. An emission inventory should be prepared that enumerates how many pounds per day of the primary pollutants are emitted.

Public Health Effects of Airborne Pollutants With Particular Regard to School Facilities

CEQA establishes a special requirement for certain school projects, as well as certain projects near schools, to ensure that potential health impacts resulting from exposure to hazardous materials, wastes, and substances will be carefully examined and disclosed in a negative declaration or EIR, and that the lead agency will consult with other agencies in this regard.

Specifically, When a project located within one-fourth mile of a school involves the construction or alteration of a facility which might reasonably be anticipated to emit hazardous or acutely hazardous air emissions, or which would handle acutely hazardous material or a mixture containing acutely hazardous material in a quantity equal to or greater than that specified in subdivision (a) of Section 25536 of the Health and Safety Code, which may impose a health or safety hazard to persons who would attend or would be employed at the school, the lead agency must:

(1) Consult with the affected school district or districts regarding the potential impact of the project on the school when circulating the proposed negative declaration or draft EIR for review.

(2) Notify the affected school district of the project, in writing, not less than 30 days prior to approval or certification of the negative declaration or EIR. This subdivision does not apply to projects for which an application was submitted prior to January 1, 1992.

The proposed project is within ¼ mile of at least two educational facilities: the La Jolla Country Day School (K-12) and the Jewish Community Center which has educational classes and a day care component.

- Given the large amount of demolition and excavation planned for the construction at this sight, how will refugee dust and any hazardous construction produced airborne particulate effect the local air quality within the ¼ mile radius?
- What dust suppression measures will be used in the construction or demolition phase of the project?
- Will airborne particulate, particularly crystalline silica, be monitored for the project area during demolition/construction?

Wastewater and Run-Off

Food Establishment Wastewater Discharge

The proposed development will increase the amount of food preparation and dish washing activity. There should be a discussion of the grease pretreatment devices for the wastewater from these facilities;

Grease Pretreatment

To ensure that wastewater is acceptable before discharging to any public sewer, these facilities will be required to install an approved type grease pretreatment device in the waste line leading from the food preparation area, or from sinks, drains, appliances and other fixtures or equipment used in food preparation or cleanup where grease may be introduced into the sewerage system. Such grease pretreatment devices shall be installed to remove grease from wastewater and shall be maintained in efficient operating conditions by periodic removal of the accumulated grease. No such collected grease shall be introduced into any drainage piping or public sewer.

- What is the projected scale of wastewater grease treatment at the site?
- Will the amount of treatment needed adversely impact any water conservation or management in the project area?
- Will there be collection drums or container for the purpose of physically segregating oils, greases and greasy solids?

- How will such storage facilities be insulated against environmental contamination of permeable surfaces and against impermeable surface water run-off.

Increased Water Demand and Public Utilities

The proposal would appear to require a substantial increase in water demand.

- How would the new water demand be supplied by the existing infrastructure?
- Would alterations to existing water supply facilities be required?

Emergency Water Supply

The proposed development would require significant increases in fire extinguishing and fire fighting infrastructure: hydrants and sprinkler systems.

- In the event of water emergencies—shortages of water due to dry weather, what are the water supply capacities at the sight?
- How will adequate water supply be ensured? Will new water control infrastructure be needed?

Incidence and Prevalence of General Categories of Water Pollution and Urban Run-Off at the Proposed Project

Urban runoff from a developed site has the potential to contribute pollutants, including oil and grease, suspended solids, metals, gasoline, pesticides, and pathogens to the storm water conveyance system and receiving waters. For the purposes of identifying pollutants of concern and associated storm water mitigation practices, pollutants are grouped in nine general categories as follows by the Standard Urban Storm Water Mitigation Plan for San Diego County, Port of San Diego, and Cities in San Diego County:

1. Sediments – Sediments are soils or other surficial materials eroded and then transported or deposited by the action of wind, water, ice, or gravity.
2. Nutrients – Nutrients are inorganic substances, such as nitrogen and phosphorus. They commonly exist in the form of mineral salts that are either dissolved or suspended in water. Primary sources of nutrients in urban runoff are fertilizers and eroded soils.
3. Metals – Metals are raw material components in non-metal products such as fuels, adhesives, paints, and other coatings. Primary source of metal pollution in storm water are typically commercially available metals and metal products.
4. Organic Compounds – Organic compounds are carbon-based. Commercially available or naturally occurring organic compounds are found in pesticides, solvents, and hydrocarbons.
5. Trash & Debris – Trash (such as paper, plastic, polystyrene packing foam, and

aluminum materials) and biodegradable organic matter (such as leaves, grass cuttings, and food waste) are general waste products on the landscape.

6. *Oxygen-Demanding Substances* – This category includes biodegradable organic material as well as chemicals that react with dissolved oxygen in water to form other compounds.

7. *Oil and Grease* – Oil and grease are characterized as high-molecular weight organic compounds. Primary sources of oil and grease are petroleum hydrocarbon products, motor products from leaking vehicles, esters, oils, fats, waxes, and high molecular-weight fatty acids.

8. *Bacteria and Viruses* – Bacteria and viruses are ubiquitous microorganisms that thrive under certain environmental conditions. Their proliferation is typically caused by the transport of animal or human fecal wastes from the watershed.

9. *Pesticides* – Pesticides (including herbicides) are chemical compounds commonly used to control nuisance growth or prevalence of organisms.

- All of the above pollutants are potentially significant at the proposed development. What are the amounts of these contaminants in terms of CEQA threshold quantities?

Storm Water Drainage, Run-Off, and Pollution Control

- What is the project's impact on storm water, run-off, and drainage? In particular, what impacts will there be on the fluvial geomorphology and water resources management practices at the proposed development?

The project should consider the project area's location (from the larger watershed perspective), topography, soil and vegetation conditions, percent impervious area, natural and infrastructure drainage features, and any other relevant hydrologic and environmental factors to be protected specific to the project area's watershed.

As a sound water/hydrology management practice, within the drainage study the civil engineer should conduct a field reconnaissance to observe and report on downstream conditions, including undercutting erosion, slope stability, vegetative stress (due to flooding, erosion, water quality degradation, or loss of water supplies) and the area's susceptibility to erosion or habitat alteration as a result of an altered flow regime.

Of particular concern are the following questions:

- Will the drainage study compute rainfall runoff characteristics from the project area including, at a minimum, runoff volume, time of concentration, and retention volume. These characteristics shall be developed for the two-year and 10-year frequency, Type I storm, of six-hour or 24-hour duration (whichever is the closer

approximation of the site's time of concentration), during critical hydrologic conditions for soil and vegetative cover?

- Will the drainage study report the project's conditions of concern based on the hydrologic and downstream conditions discussed above?
- Where downstream conditions of concern have been identified, will the drainage study also establish that pre-project hydrologic conditions affecting downstream conditions of concern would be maintained by the proposed project, and if not, how will they be mitigated?
- Specifically, how will the design, source control, and treatment control measures address the issue of drainage?
- Additionally, how will runoff treated by site design or source control Best Management Practices, such as rooftop runoff treated in landscaping, be included or not in the project?

The project should address these concerns with a hydrologically functional project design that attempts to mimic the natural hydrologic regime. In particular, will the project attempt to mitigate drainage and run-off concerns by:

- Reducing imperviousness, conserving natural resources and areas, maintaining and using natural drainage courses in the storm water conveyance system, and minimizing clearing and grading.
- Providing runoff storage measures dispersed uniformly throughout a site's landscape with the use of a variety of detention, retention, and runoff practices.
- Implementing on-lot hydrologically functional landscape design.

Any development should aim to control post-development peak storm water runoff discharge rates and velocities to maintain or reduce pre-development development downstream erosion.

- How will the project control runoff discharge volumes and durations to the maximum extent practicable using the site design, source control, and treatment control measures?

The proposed development has a large footprint on the available land area, with a high ratio of impervious surface area per total development area square footage.

- How will the proposed project attempt to minimize to total Project's Impervious Footprint & Conserve Natural Areas?

- Will any of the following strategies be pursued, if so how, and if not what alternatives are being used and what is the rationale for them?

1. Minimize impervious footprint. This can be achieved in various ways, including, but not limited to increasing building density (number of stories above or below ground) and developing land use regulations seeking to limit impervious surfaces. Decreasing the project's footprint can substantially reduce the project's impacts to water quality and hydrologic conditions.

2. Conserve natural areas where feasible. This can be achieved by concentrating or clustering development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural, undisturbed condition.

Topography and Hydrological Concerns

- How will hillsides and erosion-prone areas be addressed to ensure adequate drainage and storm water control?

Several Best Management Practices are employed in this regard.

- Will any of the following be used in the project to mitigate the aforementioned concerns? If not, what alternatives are being used and what is the rationale for them?
1. Construct walkways, trails, patios, overflow parking lots and alleys and other low-traffic areas with permeable surfaces, such as pervious concrete, porous asphalt, unit pavers, and granular materials.
 2. Construct streets, sidewalks and parking lot aisles to the minimum widths necessary, provided that public safety and a walkable environment for pedestrians are not compromised.
 3. Maximize canopy interception and water conservation by preserving existing native trees and shrubs, and planting additional native or drought tolerant trees and large shrubs.
 4. Minimize the use of impervious surfaces, such as decorative concrete, in the landscape design.
 5. Use natural drainage systems to the maximum extent practicable.
 6. Minimize Directly Connected Impervious Areas (DCIAs)
 7. Where landscaping is proposed, drain rooftops into adjacent landscaping prior to discharging to the storm drain.

8. Where landscaping is proposed, drain impervious sidewalks, walkways, trails, and patios into adjacent landscaping.

Protect Slopes and Channels

Project plans should include storm water measures to decrease the potential for erosion of slopes and/or channels, consistent with local codes and ordinances and with the approval of all agencies with jurisdiction over the project area.

- How will any of the following design principles shall be considered, and incorporated and implemented? If not, which alternatives are being used, and what is the rationale for such alternatives?
 1. Convey runoff safely from the tops of slopes.
 2. Vegetate slopes with native or drought tolerant vegetation.
 3. Control and treat flows in landscaping and/or other controls prior to reaching existing natural drainage systems.
 4. Install energy dissipaters, such as riprap, at the outlets of new storm drains, culverts, conduits, or channels that enter unlined channels in accordance with applicable specifications to minimize erosion.

Material Storage Areas

The proposed project should design outdoor material storage areas to reduce pollution introduction. Improper storage of materials outdoors may increase the potential for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids, and other pollutants to enter the urban runoff conveyance system.

- How will hazardous materials with the potential to contaminate urban runoff shall either be stored? Will they be placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the storm water conveyance system? Or will they be protected by secondary containment structures such as berms, dikes, or curbs?
- Will the storage areas have a roof or awning to minimize direct precipitation within the secondary containment area?
- Will there be a plan to design trash storage areas to reduce pollution introduction?
- Will these be in paved areas with an impervious surface, designed not to allow run-on from adjoining areas, screened or walled to prevent off-site transport of trash?

Efficient Irrigation Systems & Landscape Design

The proposed development suggests a dramatic increase in irrigation systems needed for the landscaping. How will the design the timing and application methods of irrigation water to be addressed to ensure minimizing the runoff of excess irrigation water into the storm water conveyance system?

- Will any of the following methods to reduce excessive irrigation runoff shall be considered? If not, what alternatives are being used and what is the rationale for such alternatives?

1. Employing rain shutoff devices to prevent irrigation after precipitation.
2. Designing irrigation systems to each landscape area's specific water requirements.
3. Using flow reducers or shutoff valves triggered by a pressure drop to control water loss in the event of broken sprinkler heads or lines.

Outdoor Processing Areas During Construction

The proposed project would entail large scale excavation and geological materials processing. Outdoor process equipment operations, such as rock grinding or crushing, painting or coating, grinding or sanding, degreasing or parts cleaning, landfills, waste piles, and wastewater and solid waste treatment and disposal, and other operations determined to be a potential threat to water quality should have measures in place to ensure that water run-off and contamination to hydrologic resources does not occur.

- Would the construction phase of the project implement any of the following mitigation measures for the aforementioned concern? If not, what alternatives are being considered, and what is the rationale for such alternatives?

1. Cover or enclose areas that would be the most significant source of pollutants; or, slope the area toward a dead-end sump; or, discharge to the sanitary sewer system following appropriate treatment in accordance with conditions established by the applicable sewer agency.

2. Grade or berm area to prevent run-on from surrounding areas.

3. Installation of storm drains in areas of equipment repair is prohibited.

Parking Areas

As mentioned previously, the impervious surface area is significant within the proposed development.

- To minimize the offsite transport of pollutants from parking areas, will any of the following design concepts be implemented? If not, what alternatives are being considered, and what is the rationale for such alternatives?
1. Where landscaping is proposed in parking areas, incorporate landscape areas into the drainage design.
 3. Will overflow parking be included in the proposed development?
 4. Will permeable paving be included in any parking areas?

Non-retail fuel dispensing areas

- Will there be any non-retail fuel dispensing areas at the site?
 - How will they ensure that fuel leakage does not contaminate the hydrological resources either through direct penetration, run-off, or storm drainage?
 - Will any of the following design elements be incorporated into any non-retail fueling areas? If not, what alternatives are being considered and what is the rationale for such alternatives?
1. Overhanging roof structure or canopy.
 2. Paved with Portland cement concrete (or equivalent smooth impervious surface).
 3. Have an appropriate slope to prevent ponding, and that is separated from the rest of the site by a grade break that prevents run-on of urban runoff.

CONSTRUCTION EFFECTS

(1) Would the proposal result in substantial traffic delays, parking loss or pedestrian circulation disruption caused by road and sidewalk closures/detours/narrowing that could temporarily affect off-site roads, sidewalks and parking supply?

Potential nuisance and traffic disruptions should be considered in light of existing and projected traffic load growth, existing and projected pedestrian and bicycle use growth, and existing and projected population growth.

Detailed estimates of major construction equipment – anything that disrupts road and/or pedestrian travel – and their use should be incorporated into the analysis.

(2) Would the proposal result in a significant increase in the existing ambient noise levels during project construction that would result in the exposure of people to noise levels which exceed the City's adopted noise ordinance?

Noise effects should be anticipated with consideration of daytime business and school activities, as well as those of nearby residents.

(3) Would the proposal cause a substantial, short-term degradation of any public viewing areas?

The integrity of public viewing areas should be taken into consideration.

(4) Would the proposal cause excessive levels of fugitive dust that would be considered an nuisance to adjacent use?

Since adjacent uses include educational and cultural institutions frequented by young people and children, who also frequent the project site, and there are a number of elderly living facilities in the area, special attention should be paid to the health impacts fugitive dust may have on the young and the old. Proposed mitigations should take this into account.

CUMULATIVE EFFECTS

The term "cumulative impacts" refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts, according to CEQA Guidelines, section 15355. These may occur due to several impacts from a single project, or the compounding of effects from a number of projects. There are at least three significant cumulative effects related to (1) land use for surrounding communities, (2) Transportation/Circulation due to the absence of a Population/Housing analysis and mitigation and, (3) Land Use problems caused by social and economic factors.

Land Use for surrounding communities may be severely impacted by the project. Consistency with the land use goals for the community and for surrounding communities should be taken into consideration.

The absence of a Population/Housing analysis in the scope of the draft EIR would presumably lead to an absence of mitigations. That, when coupled with the potential for existing Traffic/Circulation impacts, may lead to a previously unanticipated cumulative effect.

The potential for an environmental impact due to economic and social changes should also be addressed in the draft EIR. CEQA Guidelines 15064.e states that: *Economic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project.* From a common sense perspective, the potential for partial or whole economic failure for such an ambitious project is real. In light of recent and historical economic volatility, a downturn in consumer spending may have a deleterious effect on projected returns for the project investors. Such a turn of events would result in a negative environmental impact, e.g. blight, to the land use goals of the city and the

surrounding neighborhoods. Office occupancy rates, retail and entertainment demand, hotel room demand, and residential unit demand, and projected profit margins for each of these enterprises in the near and long term should be assessed as part of an evaluation of the sustainability of such a significant project. This information would serve to assess the level of commitment on the part of the project stakeholders and the likelihood that they have reliably anticipated the viability of the proposed development and thus the indirect impact on the community. The absence of such reliable information risks a violation of an implicit purpose of CEQA, 15003.d, asserted by the state courts: *The EIR is to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.* (*People ex rel. Department of Public Works v. Bosio*, 47 Cal. App. 3d 495.).

To summarize, due to the potential for impact on the land use of surrounding communities, the impact of congestion and traffic problems, and land use impacts associated with economic and social forces, the quality of life in the golden triangle area may be severely impacted. Mitigations should be considered with this in mind.

ALTERNATIVES

While several viable alternatives to the proposed project have been considered in the Notice of Preparation, at least four and perhaps more than four feasible alternatives have not been addressed. They are a) Reduced Retail Alternative, b) Expanded Transportation Component Alternative, c) Expanded Residential Alternative, and d) Architectural Alternative.

The Reduced Retail Alternative should scale the proposed 750,000 square foot retail and entertainment addition back to a square footage that may reduce potential environmental impacts, especially with respect to the transportation/circulation and cumulative effects categories.

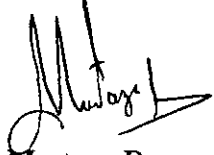
The Expanded Transportation Component Alternative should integrate a transportation plan that would do more than just serve the owner's interests in drawing customers to its location through expanded accessibility. It would make a contribution toward resolving the community's transportation woes through bus, trolley, and shuttle service over and above the proposed transportation component. Especially important is the addition of secondary transportation options that would improve access to and from existing rail and trolley lines.

The Expanded Residential Alternative should explore the possibility of additional housing for various income levels, including but not limited to low income and very low-income housing. If implemented, such a mitigation would reduce the impact on traffic/circulation and cumulative effects.

The Architectural Alternative has the potential to reduce impacts associated with traffic/circulation, reduce potential cumulative effects, enhance aesthetics/visual quality, and improve the project's consistency with land use plans for the community and city.

Such an architectural reassessment would presumably go over and above the project owner's financial interest and take into consideration community interest in having a development that is integrated into its surroundings, useful in services for local residents, and non-intrusive in nature.

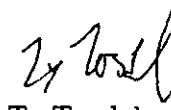
Sincerely,



Murtaza Baxamusa



David Karjanen



Ty Tosdal

Center on Policy Initiatives,
3727 Camino Del Rio South
San Diego, CA 92108.

Dr. and Mrs. Edgar D. Canada
5093 Via Cinla
San Diego, California 92122-3906

August 11, 2002

HAND DELIVERED
8/12/02

Martha Blake
City of San Diego - Development Services Department
Land Development Review Division
1222 - First Avenue MS 501
San Diego, CA 92101

RE: Scoping letter comments: LDR No. 40-0247/PTS No.
2214, University Towne Center

Dear Ms. Blake:

These comments are offered in connection with the draft scoping letter dated July 12, 2002.

I am a resident of the University City area of the City of San Diego, and have lived in various residences in this area since 1983. I am very familiar with the immediate area, and the University Towne Center as it exists today.

There are two points which I would like to make in connection with section C, Transportation/Circulation, and urge that this section of the scoping letter be modified in the ways I suggest below.

1. Traffic analysis would not be complete for the area if the impacts of traffic on Governor Drive were not discussed. This important artery was not listed among the road segments to be discussed in the Transportation and Parking Analysis.

- Governor Drive is already substantially impacted by traffic
- Two elementary schools and one middle school are located on Governor Drive, and students going to and from those schools are affected by street traffic.
- Residential housing lines Governor Drive, and families with young children are affected by the traffic patterns and flow.
- A large senior (restricted age) apartment and town home

complex is located at the west end of Governor Drive. Heavier traffic will impact the safety of those residents, and those residents still driving may impact the safety of commuters on Governor Drive.

Recommendation: add Governor Drive to the list of road segments.

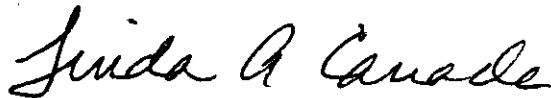
2. The Transportation and Parking Analysis should NOT assume that the Regents Road bridge and Genesee Avenue widening projects will be constructed:

- Neither of these projects may ever be completed, and a project the size and scope of the project's Master Plan will have significant impact on local traffic flow if the bridge and the widening project are not completed.
- Funds for completion of the bridge and the Genesee widening project have NOT been allocated by the City.
- Significant neighborhood opposition to the bridge and widening projects exists. For example, over 250 people turned out for a panel discussion held by the UC Planning Group, in which the alternatives of bridge construction and/or widening Genesee were only part of the agenda.
- At least one citizens group has formed to protest destruction of sensitive habitat in Rose Canyon. Litigation initiated by this group could effectively delay or even result in the cancellation of the proposed Regents Road Bridge project.

Recommendation: that the applicant be required to address traffic, parking, and circulation impacts if neither project is completed.

As a long-time resident of the University City area, I would very much appreciate modification of the scoping letter so that ALL aspects of traffic impact of the proposed Master Plan are addressed in the EIR.

Sincerely,



Linda A. Canada
5093 Via Cinta
San Diego, CA 92122
(858) 457-9676

July 19, 2002

City of San Diego
Development Services Department
LAND DEVELOPMENT REVIEW DIVISION
1222 First Avenue
Mail Station 501
San Diego, CA 92101

Attn: Mr. Mike Westlake

Dear Mr. Westlake:

Re: Notice of Preparation of a Draft Environmental Impact Report
Westfield Shopping Town UTC

At the scoping meeting held June 27, 2002, individuals specifically requested that the traffic study for flow and congestion be conducted both with and without the proposed Regents Road bridge and with and without the widening of Genesee going south from Nobel to Highway 52.

In the letter from Mr. Lawrence Monserrate, Development Services Department, San Diego, to Mr. David Hokanson, Vice President Westfield Corporation, Inc., Los Angeles, please refer to Page 4, Item 6, 7 lines from the bottom. "The traffic study should assume that both the Regents Road bridge and Genesee Avenue widening projects will be constructed consistent with the University City Community and Facilities Financing Plans." The sentence following this is ambiguous in stating: "The traffic impact analysis should address current and future conditions, with and without the project." What does this statement mean? It implies to some that the traffic impact analysis should look at the traffic with and without the bridge and the widening. Others have interpreted it to mean to study the traffic with and without the expansion of UTC.

The placing of the Regents Road bridge and the widening of Genesee into the Community Plan does not, in fact, mean that they will occur. There are a vast number of residents in University City who oppose both projects and feel there are alternative ways to solve the traffic problem which is caused by the inability of people to access the freeways rather than local traffic wanting to go between North and South University City.

Please insure that the EIR document includes traffic analysis which looks at the traffic situation with and without the Regents Road bridge and with and without the widening of Genesee.

Sincerely,



Jesse R. Knighton
2979 Renault Place
San Diego, CA 92122

cc: Mr. David Hokanson, Westfield Corp.
Mr. Lawrence Monserrate, City of San Diego, Development Services Department
Councilman Scott Peters, 1st District, San Diego City Council

August 5, 2002

City of San Diego
Development Services Department
LAND DEVELOPMENT REVIEW DIVISION
1222 First Avenue
Mail Station 501
San Diego, CA 92101

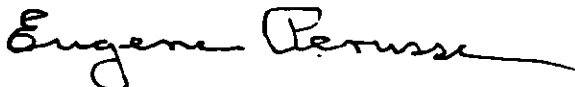
ATTN: Martha Blake and/or Mike Westlake

Please find attached two pages of comments on University Towne Center

SITE DEVELOPMENT PERMIT/PLANNED DEVELOPMENT PERMIT and
COMMUNITY PLAN AMENDMENT.

LDR No. 41-1059/PTS No. 2214

Sincerely,

A handwritten signature in black ink that reads "Eugene Perusse". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Eugene Perusse
6284 Via Regla
University City a Community of San Diego
San Diego, CA 92122

858 453 8795

WESTFIELD UTC EIR DRAFT COMMENTS

1. General Infrastructure
 - a. Where is impact on fire and police covered?
 - b. Residential parking: What are the plans for residential parking of 1500 or so vehicles?
 - c. Does the Westfield plans include a new and used car sale lot as in Fashion Valley?
2. Scheduled start and completion dates are not provided for various phases. What are they
3. **Letter to Westfield comments:**
 - I **PROJECT DESCRIPTION**

As presented in the NOTICE OF DRAFT EIR and in public meetings the project description is in adequate for meaningful study or discussion.
 - II **ENVIRONMENTAL ISSUES**
 - a. LAND USE
 - b. AESTHETICS / VISUAL QUALITY

Issue In that the proposed project is planned over a 15 to 20 year period the four issues mentioned subject letter should be addressed in a minimum of two sub-issues for each of the four issues. i.e. construction phase and at completion.
 - c. TRANSPORTATION/CIRCULATION

Issue In that an EIR study is planned for the impact of either/and/or/neither the widening of Genesee Avenue construction of the Regents Road Bridge, the impact of the proposed development should include the impact of traffic on the intersection of Genesee and Regents at Governor, Genesee and Regents at SR52 and the traffic on Governor. Traffic on Genesee and Governor is presently impacted by lack of adequate access to Interstate 5 and 805 in the Town Center vicinity. This lack of freeway access will be even more greatly impacted when the already approved densification of the Town Center area is completed.

Issue: How is the impact of heavy construction vehicles going to be mitigated both internal and external to the property during the construction phase.

Issue: Since SANDAG has plans for under-grounding mass transit in this area near the proposed completion date for this project, what is being proposed to interface with the SANDAG proposed transit?
 - d. AIR QUALITY
 - e. HYDROLOGY/WATER QUALITY
 - f. PUBLIC UTILITIES

g. ENERGY

Is the use of renewable energy sources considered for the project? Such as solar heating and cooling of all buildings.

h. WATER CONSERVATION

Will reclaimed water from the North City Water Reclamation Facility be used for sanitation, irrigation and street cleaning?

i. PALENTOLOGY

j. CONSTRUCTION ISSUES

Issue: How is the impact of heavy construction vehicles going to be mitigated both internal and external to the property during the construction phase.

What will the noise impact of heavy construction be? What will be the hours of construction?

III MANDATORY DISCUSSION ISSUES

SEE ABOVE

IV CUMALITIVE EFFECTS

V ALTERNATIVES

a. No Projects alternative

If at all this project should be eliminated from consideration until the time an adequate mass transit system is well under construction. Relocating some bus stops is not a proper solution.

b. No Office Use Alternative

c. Reduced residential Alternative

d. No Hotel Alternative

e. Relocated Garage Alternative

f. Off Site Alternative Location

Issue: Since the traffic in the immediate and surrounding areas is approaching gridlock, alternative location should be considered which would have a minimum effect on traffic. It would not necessarily have to be a Westfield owned site. Much of the traffic generated by the Town Center is from North and South County. This traffic could be reduced if facilities such as described in this proposal were constructed say in North coast county area, which probably not adequately provided at this time.

August 9, 2002

City of San Diego
Development Services Department
LAND DEVELOPMENT REVIEW DIVISION
1222 First Avenue
Mail Station 501
San Diego, CA 92101

ATTN: Lawrence C. Monserrate, Environmental Review Mgr.
Assistant Deputy Director, Development Services Dept.
Martha Blake

SUBJECT: Scope and content of Draft EIR as outlined in Mr. Monserrate's letter dated July 12 2002 to Mr. David Hokanson of Westfield Corp. re University Towne Center (LDR No. 40-0247/PTS No. 2214

Dear Mr. Monserrate,

I have read the EIR scoping letter referenced above, and as a concerned 31 year resident of University City and a member of both the UCPG and the University City Community Assn. I submit the following:

1. Page 4 of the letter to Dave Hokanson, Section C, TRANSPORTATION/CIRCULATION, bottom paragraph, seven lines up from the bottom states: *"The traffic study should assume that both the Regents Road bridge and Genesee Avenue widening projects will be constructed consistent with the University City Community and Facilities Financing Plans."* How can this instruction be given when these two projects are the subject of an EIR now in process and expected to take up to two years at a cost of up to \$500,000 to determine whether to build both, neither or just the Regents Rd. bridge or widen Genesee. One or both of these projects may never be built pending the outcome of the EIR. Neither should be included in the traffic studies for the Westfield EIR.
2. In the same paragraph referenced above, there is no reference to the impact on the interchange at 805 and Governor Dr. This interchange is already severely impacted by both north and southbound traffic on 805, and it will be even more impacted with the additional development in North University City that has already been approved. The proposed expansion of University Towne Center would certainly add to both the north and southbound trips on 805. Traffic is already backed up onto Governor Dr. during peak hours because of the vehicles exiting Summers Governor Park and attempting to enter 805 south. Because of the close proximity of Nobel Dr., Governor Dr. and Hwy. 52, vehicles attempting to enter southbound 805 often find it

impossible to merge onto the freeway most of the day because of the vehicles moving to and in the right lane to exit onto Hwy. 52 east and west. Many vehicles travel on Governor Dr. to Genesee to avoid the backup onto the freeway and to more easily reach Hwy 52. The cars backed up on Governor and Genesee together with those backed up trying to enter 805 literally trap residents in the community several hours a day.

Entering the northbound ramp onto 805 in the morning peak hours is difficult because of cars exiting at Governor Dr. to reach the Summers Governor Park businesses and more importantly, northbound vehicles exiting at Governor but shooting straight across to the onramp to avoid the traffic that is backed up to hwy. 52.

One need only listen to daily traffic reports to hear of the congestion at Governor Dr. if not able to witness it personally. Additional traffic generated by University Towne Center expansion will add to--not alleviate-- this situation.

3. South University City is part of the University Community Plan but is often overlooked as focus is placed on North University City. This was evidenced again by not considering the impact at 805 and Governor Dr. To ensure that this community is not overlooked, specific mention of South University City should be made when assessing the impact of the UTC expansion on the surrounding community.

Sincerely,



Carole Pietras
6917 Lipmann St.
San Diego, CA 92122

John R. Quesenberry
6627 Edmonton Avenue, San Diego, CA 92122
Tel: 858 457 1193 – Fax: 858 457 1936
e-mail: jquesen1@san.rr.com

RECEIVED
AUG 23 2002
Development Services

August 9, 2002

City of San Diego
Development Services Department
Land Development Review Division
1222 First Ave.
Mail Station 302
San Diego, CA 92101-4155

Attn: Lawrence C. Monserrate,
Environmental Review Manager
Assistant Deputy Director

SUBJECT: Your 12 July, 02 Scope of Work for an EIR
Letter for the University Town
Center Project -LDR No.40-0247

Dear Mr. Monserrate;

I am a San Diego native, business owner, and long time homeowner in University City. I recently attended a UCPG - UC Planning Group - meeting held at La Jolla Country Day school in our community. The meeting was packed with concerned citizens, all focused on the rampant development of our community and its adverse impact on our quality of life and the safety of our children. One of the agenda items was to discuss the need to build the Regents Road bridge and expansion of Genesee Ave. from the UTC Shopping Center to SR 52 from its present 4 lanes to a 6-lane configuration. In response to a question from the audience, it was revealed that the majority of the recent development that has taken place in University City was approved under the mitigating circumstances **"that both the Regents Road bridge and the widening of Genesee to 6 lanes have already been accomplished."**

Armed with that knowledge of how this game is played by the City and developers, I obtained a copy of your 12 July letter to David Hokanson concerning the proposed UTC Expansion project, and its need for an EIR. There on page 4, in a discussion of TRANSPORTATION/CIRCULATION issues, you provide the same guidance to the proposed developer,

"The traffic study should assume that both the Regents Road bridge and Genesee Avenue widening projects will be constructed..."

I find that guidance to be the kind of logic that has contributed to this City's growth woes and ever worsening traffic problems. I would hope that a good lawyer

would find something in your guidance to Mr. Hokanson that must be in violation of the requirements of the California Environmental Quality Act (CEQA), which you correspondence frequently refers to. Certainly, we the citizens of University City, that are directly impacted by your decisions to continually approve development in our area, without regard to the lack of a completed traffic infrastructure, have just about reached the end of our patience with you; and the political system that allows us to be paved over for the sake of developer's profits.

I have several problems with the way you go about your duties: Traffic, School and Pedestrian Safety, and Sequencing of Improvements all come to mind.

TRAFFIC

It is my understanding from talking to those on the UCPG and information posted on our University Community Web site, www.universitycityca.com/development that the following projects are already approved and are under way in our area. They are:

Qualcomm - 333,000 sq. ft of research and office space;

La Jolla Commons - 15 story Hotel, 32 Story Condo, 20 Story Office building;

La Jolla Crossroads - 1,500MF unit & 162,00 sq. ft of Scientific Research; Garden Communities/

Costa Verde Towers - 2600 dwelling units, 400 - room Hotel & 178,000 sq. ft of community commercial.

This does not account for the IDEC project being developed in the SW corner of the Miramar Road / I805 Freeway Interchange. Approved in 99, it will house 2,000 employees in a facility of somewhere between 250,000 to 750,000 sq. ft.

I am guessing that these projects have been approved with the same guidance from your office that was provided in your 12 July letter to Hokanson, and was provided in the La Jolla Country Day meeting. These proposed construction projects are not completed yet, but I can tell you with certainty, that from a traffic standpoint, those of us along the Genesee/ Governor Dr. corridors of traffic flow are already at a braking point. Here are the facts that we believe you should consider.

I-5, I-805 & and Genesee are the only north south corridors available to handle the current development, not considering the future traffic that will be generated by the projects mentioned above, as already underway. Traffic routinely comes to a complete halt on both of the Interstates during the morning and afternoon commute hours. Because of metering restrictions onto I-5 and I-805 from La Jolla Village Drive and at the recently installed Nobel interchange onto I-805, many commuters use Genesee to get to and from the UTC area from the un-metered access onto SR 52. During the evening commute period, traffic from the existing commercial projects along I 805 south of Governor, use the Governor to Genesee to SR 52 route to leave work, because of the metered access delays of 20-30 minutes trying to get on I 805 southbound. This is already a health and safety concern for those of us living in the impacted area, which your decisions will only make worse.

SCHOOL SAFETY & PEDESTRIAN SAFETY

As I mentioned, the center of mass of this traffic problem is the intersection of Governor Dr. and Genesee Ave. There are three schools that are impacted directly by the traffic flow your lack of planning has created. They are Curie Elementary (597 students & 5

student busses to and from school daily); Stanley Middle (1,280 students, 287 students on 7 busses to and from daily); University City High School - (1,919 students, 504 students on 19 busses to and from daily) Of course, the majority of those students are arriving or departing their schools at precisely the same time frame when the most heavy commuter traffic is underway. While workers are trying to avoid the Interstate mess by using our community surface streets. Unfortunately, these numbers do not include the ever growing number of parents that use these same streets to drop off, or pick up their children 5 days a week from these same schools. How does your planning guidance account for their safety?

Unfortunately, our community, flush with developer's plans to ever increase the value of their investments, suffers from the lack of an overall regional EIR Process. We are directly impacted by inadequate existing Interstates capacities and interchanges (a CALTRANS issue), and the ever growing student population and facility growth at UCSD that no one in the community controls. Not only does the UCSD complex grow, it does not contribute funds to an FBA to help the impacted community.

Additionally, there is a large and ever growing elderly population competing for these same surface streets. On the western side of Genesee, south of Governor Dr., is a rather large condominium complex (Regency Villas) housing more than 200 senior residents in 132 units. The majority of these residents must cross Genesee, at the Governor Dr. intersection, to get to shopping and pharmacy facilities located on the East side of Genesee.

To make matters worse, at the eastern end of Governor Dr., you have another senior's complex, UC Village. It contains 542 units now, and is planned to grow to 1,109 units in the future. Its occupants, all elderly, also commute along Governor Dr. to get to the same shopping and pharmacy facilities at the corner of, yes, Genesee and Governor Dr. I hope you are beginning to feel my frustrations and concerns here!

Obviously, no one in our community, or on the City Council or Staff wants to see either our students, or our elderly killed or seriously injured, but that is the nature of what our lack of available infrastructure has created. And I submit, your continued approval of projects, based on phantom, but non-existent infrastructure, is making that scenario more and more likely every day. Your lack of consideration in the CUMULATION affects your approvals are having on our community, border on culpable negligence, and really need some oversight.

SEQUENCING OF IMPROVEMENTS

As I understand the contents of the plans approved by the UCPG for my community, the widening of Genesee has funds in an FBA and is scheduled to be done in 2005. Likewise, the Regents Rd. bridge, whose funds were in the FBA (\$19M) was scheduled for original completion in 1994. The bridge, whose allotted funding has allegedly been used for other projects, is now slated for completion in 2007. Two years after the Genesee expansion project completion. Now I do not mean to appear rude here, but how in the heck can that be even considered by any competent or responsible person? How could anybody in their right mind, with any interest in my community, close down one of the 3 main arteries that support the development already approved and under development (described above) to widen it by 2 lanes without seriously impacting and aggravating an already overtaxed situation?

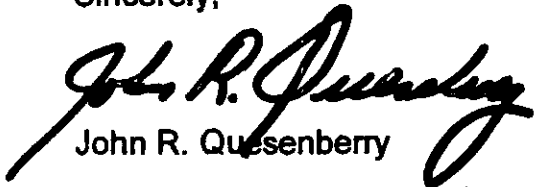
Additionally, please look at the Fire and Police facilities that service our

community. Both are located in the UTC area north of La Jolla Village Rd. What will happen if an emergency would occur during the morning, or evening commute times, and your proposed widening of Genesee is under way? With no other alternatives to get to our citizens except the Interstates, which I can tell you are clogged, red lights and sirens will not make up for your lack of planning, and will certainly endanger our community's citizens.

I would ask that your office seriously consider a halt to all current and planned development for the Golden Triangle area until real solutions to our lack of adequate infrastructure can be identified.

I have sent a copy of my concerns to officials and agencies that I would hope have an interest in our area's future safety and well being. Perhaps a multi agency task force could find the funds and workable solutions to protect the children and residents impacted by the growth projected in University City

Sincerely,



John R. Quisenberry

CC: Mayor of San Diego, Dick Murphy
City Manager – Michael T Uberuaga
Deputy Mayor/Councilman George Stevens
Councilman Scott Peters
Superintendent of Public Education – Mr. Alan D. Bersin,
San Diego Chief of Police, David Bejarano
San Diego City Attorney, - Mr. Casey Gwinn
Chief of Fire & Life Safety Services – Chief Jeff Bowman



001329

THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: May 16, 2008 **REPORT NO.** PC-08-057

ATTENTION: Planning Commission, Agenda of May 22, 2008

SUBJECT: UNIVERSITY TOWN CENTER - PROJECT NO. 2214.
PROCESS 5

REFERENCE: Initiation of an amendment to the University Community Plan and Progress Guide and General Plan for the University Towne Center, Report No. P-02-022, February 7, 2002.

OWNERS: University Towne Center Venture L.L.C., Nordstrom Incorporated, Sears and Roebuck and Company, CMF University Towne Center South, L.L.C., and CMF University Towne Center North, L.L.C. (Attachment 17)

APPLICANT: Westfield Corporation, Inc.

SUMMARY

Issue(s): Should the Planning Commission recommend to the City Council approval or denial of the phased redevelopment and renovation of the existing 75.86-acre Westfield University Towne Center (UTC) regional shopping center, located south of La Jolla Village Drive, west of Towne Center Drive, east of Genesee Avenue, and north of Nobel Drive in the University Community Plan area?

Staff Recommendations:

1. Recommend the City Council **Certify** Environmental Impact Report No. 2214, **Adopt** the Mitigation Monitoring and Reporting Program, and **Adopt** the applicant's Findings and Statement of Overriding Considerations;
2. Recommend the City Council **Adopt** the rezoning ordinance;
3. Recommend the City Council **Approve** amendments to the Progress Guide and General Plan and the University Community Plan;

4. Recommend the City Council **Approve** Vesting Tentative Map No. 293788 including the associated easements and public right of way vacations, Master Planned Development Permit No. 4103 and Site Development Permit No. 293783.

Community Planning Group Recommendation: On May 13, 2008, the University Community Planning Group (UCPG) voted 11-3-1 to recommend denial of the project. The UCPG denial was based upon the project not complying with the adopted Community Plan.

Other Recommendations: On January 3, 2008, the San Diego County Regional Airport Authority, Airport Land Use Commission determined the proposed project is conditionally consistent with the Marine Corps Air Station Miramar Airport Land Use Compatibility Plan (Attachment 16).

Environmental Review: Environmental Impact Report No. 2214 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level of insignificance, most potential impacts identified in the environmental review process. The applicant has also provided their project's Findings and Statement of Overriding Consideration for significant and unmitigable impacts (Attachment 19).

Fiscal Impact Statement: No cost to the City. A deposit account funded by the applicant recovers all costs associated with the processing of the project application.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The proposed project would result in the addition of 250 to 725 multi-family residential units to the University Community. The applicant will meet the requirements of the Inclusionary Affordable Housing Ordinance by providing ten percent of the total number of residential units on-site as affordable per an agreement with the San Diego Housing Commission.

BACKGROUND

The University Town Center (UTC) property, situated on seven lots comprising a total of 75.86 acres, is located south of La Jolla Village Drive, west of Towne Center Drive, east of Genesee Avenue, and north of Nobel Drive (Attachment 2) within the University Community (Attachment 3). The University Community Plan (Community Plan) identifies the subject site as a Regional Commercial use location. Surrounding land use designations include Office and Visitor Commercial to the north, Office and Residential at a density range of 15-30 dwelling units per net residential acre to the east, Residential at the density ranges of 5-10 and 15-30 dwelling units per net residential acre to the south, and Neighborhood/Community Commercial and Residential at a density range of 45-75 dwelling units per net residential acre to the west.

The project site is surrounded by urban development, including office towers, hotel establishments, commercial/retail uses and high-density residential development. Immediately north of the site along La Jolla Village Drive are multi-story office towers, restaurants and the Embassy Suites tower. To the east are multi-story office developments, a synagogue, and a commercial/retail strip center. West of the site along Genesee Avenue is a commercial/retail strip center, high-density residential structures and developing residential uses associated with the Costa Verde Specific Plan's development. To the south are single-family residences and higher density residential development along Towne Centre Drive and Nobel Drive, including townhome and condominium projects. Higher density residential development also occurs along the Lombard Way driveway on to the project site. Farther from the site along Genesee Avenue is University High School, Rose Canyon open space and single-family residential development representing the south University City area. To the northwest of the site and north of La Jolla Village Drive is the University of California, San Diego (UCSD). Office, industrial park, institutional and residential uses occur farther north of the site along Genesee Avenue and Towne Centre Drive. The airfield for Marine Corps Air Station (MCAS) Miramar is situated approximately five miles east of the UTC site along Miramar Road.

The original 118.72-acre UTC shopping center was approved by City Council on May 8, 1975 under a Planned Commercial Development (PCD) Permit No. 2, and opened in 1977 with three department stores connected by an outdoor pedestrian mall, single level retail shops, surface parking lots, several small retail outbuildings, and 300 residential units. The UTC development was expanded in 1984 with the City issuing PCD Permit No. 83-0117, an amendment to the original permit, to include a fourth department store, several new multi-level shops, two new single level parking decks, and a bus transit center. Copies of the described permits and the subsequent amendments are attached to this report (Attachments 5). The residential units, located within Unit 2, Parcel Map 8333; Unit 3, Parcel Map 8679; and Unit 4, Parcel Map 8502 have been constructed and are privately owned. The existing open-air shopping center features department stores, specialty retail shops, automotive service shops, entertainment venues, multiple dining venues, community meeting facilities, a bus transit center and parking areas, with a total center size of 1,061,400 square feet.

DISCUSSION

Project Description: The project proposes the phased redevelopment and renovation of the existing 1,061,400-square-foot University Towne Center (UTC) regional shopping center. The proposed project includes the renovation and expansion of retail uses by 610,000 to 750,000 square feet, and the development of 250 to 725 multi-family residential units. The land use scenarios in the proposed permit would be restricted to a mixture of retail and an option for residential uses that would not exceed 17,800 cumulative Average Daily Trips (ADTs), and 256 in-bound AM peak hour/778 out-bound PM peak hour trips. The maximum structure height would be limited to 325 to 390 feet above grade. Upon completed development, the project proposes 7,163 parking spaces in a mixture of structured and surface parking. Additional project features would include a relocated and expanded bus transit center, a reservation of right-of-way for the proposed transit center and planned extension of a light rail transit line, a new pedestrian bridge crossing La Jolla Village Drive located west of Town Center Drive, and park facilities in

support of the residential development.

The project applicant proposes to create seven land use district's identified as Palm Plaza, Palm Passage, University Central, Towne Center Gardens, Nobel Heights, La Jolla Terrace, and Torrey Trails. Except for the Torrey Trails district, each district may include a mix of retail, commercial, residential, parking, or recreational areas as noted below:

- District One, Palm Plaza consists of the central portion of UTC, where the majority of the existing retail occurs. Currently, 511,000 square feet of retail occurs within this district. Changes in District One could entail the construction of up to 80,000 square feet of additional retail with parking provided in adjacent district areas.
- District Two, Palm Passage currently consists of surface parking, a bus transit center, three department store buildings, and a portion of the retail shops in the vicinity of the department stores. There is currently 450,000 square feet of retail within Palm Passage. As an extension of the District One, the Palm Passage area would involve the addition of up to 470,000 square feet of new retail space on site. The District Two retail expansion would involve construction of two new department stores adjacent to Genesee Avenue and the addition of a third new anchor store building adjacent to La Jolla Village Drive, near the existing Nordstrom building, and one- and two-level retail shops. Parking would be provided in surface parking lots and in parking structures constructed below the retail level in this district. In addition, two or more multi-level parking structures would be constructed within the district's boundaries. In coordination with San Diego Association of Governments (SANDAG), San Diego Metropolitan Transit System (MTS), and the City, the existing bus transit center would be relocated within this district to the street frontage along Genesee Avenue south of Esplanade Court. This transit center location could ultimately be connected with the elevated station for the Mid-Coast Light Rail Transit (LRT) system proposed in the future by SANDAG along Genesee Avenue.
- District Three, University Central, at the corner of La Jolla Village Drive and Genesee Avenue, currently consists of commercial uses and surface parking. District Three could include up to 75,000 square feet of new retail space and a high-rise tower to a maximum of 365 feet above grade due to FAA restrictions. The high-rise may encompass up to 725 residential units. Under the potential land use development scenarios in the Master Planned Development Permit, up to 725 residential units could be built within District Three, as long as the development intensity permitted, based on the traffic impact parameters for the overall site is not exceeded. Alternatively, the University Central district could also be considered to accommodate construction of the relocated and expanded bus transit center and an elevated station for the Mid-Coast light rail transit system proposed in the future by SANDAG.
- District Four, Towne Centre Gardens currently consists of the Sears automotive repair shop, a parking structure and surface parking. Towne Centre Gardens would provide up to 100 courtyard or garden apartment style housing units built over structured parking, along with an additional 20,000 square feet of retail. The maximum height of the structure above grade would be 325 feet due to FAA restrictions. Some surface parking

would also be utilized in the district. The Sears automotive repair shop would be relocated to District Six. Approximately one acre of population-based parkland could be created in this district to serve on-site residents. Under the potential land use development scenarios in the Master Planned Development Permit, up to 725 residential units could be built within District Four, as long as the development intensity permitted, based on the traffic impact parameters for the overall site is not exceeded.

- District Five, Nobel Heights currently consists of 10,000 square feet of retail space and surface parking. The proposed project would include up to 50 residential units, 20,000 square feet of additional retail development and structured or surface parking. Under the potential land use development scenarios in the Master Planned Development Permit, up to 725 residential units could be built in towers within District Five, as long as the development intensity permitted, based on the traffic impact parameters for the overall site is not exceeded. If constructed, the towers would form a gateway to the property for visitors arriving from the corner of Genesee Avenue and Nobel Drive. Approximately one acre of population-based parkland could be created in this district to serve on-site residents. The maximum height of the any structure above grade would be 390 feet due to FAA restrictions.
- District Six, La Jolla Terrace currently consists of 35,000 square feet of retail development and surface and structured parking. The proposed project would include the development of up to 85,000 square feet of additional retail space and parking areas, including up to two multi-level parking structures. The Sears automotive repair shop within District Four would be relocated to this district at the time Towne Centre Gardens is developed as a residential site. Also, consistent with the Community Plan and the North University City FBA, a new pedestrian bridge also would be constructed by Westfield over La Jolla Village Drive (east of the Executive Drive intersection), and would be integrated with future development in the La Jolla Terrace district.
- District Seven, Torrey Trails, an existing passive park area, is located at the southeast corner of the UTC site and is identified as "open space" in the Community Plan. The Torrey Trails area has the potential to be used as public open space with for privately-maintained recreational amenities/facilities to satisfy the project's population-based park requirements. To create useable park acres, re-grading portions of Torrey Trail may be required. As conditioned by the permit, Westfield would seek community input on the specific types of recreation facilities in the Torrey Trail district. Improvements may include pedestrian lighting, a tot lot, benches, picnic tables, new landscaping and/or other park-like feature amenities; the balance of the district would remain as landscaped open space. The existing childcare facility on site would be relocated to the northern portion of Torrey Trail, just south of the existing ice rink, with a drop-off extension constructed from an existing access road. Additional signage would be provided at the northern and southern ends of Torrey Trail and security lighting also would be provided throughout the area. Stronger pedestrian linkages with Palm Plaza would be implemented to enable visitors to flow more easily into the park from the shopping center.

Development within each district would be required to comply with the CR-1-1 development

regulations, as modified by the development regulations contained in the UTC MPDP.

The phased project requires the approval of an amendment to the Progress and Guide and General Plan and to the University Community Plan; the rezone of the existing Community Commercial, CC-1-3 zone to Commercial Regional, CR-1-1 zone; a Vesting Tentative Map with utility and public right of way easements summarily vacated; and a Site Development Permit and Master Planned Development Permit, an amendment to the existing Planned Commercial Development Permit No. 83-0117.

Community Plan Amendment

The amendment to the University Community Plan would modify both policy text and graphics in the Community Plan to shift La Jolla Village Drive and Genesee Avenue from auto-oriented roadways to components of the urban node pedestrian network and to increase the retail square footage and allow for residential development on the project site (Attachment 15).

Rezone

A majority of the project site is currently zoned Community Commercial, CC-1-3 for community commercial uses, except for a small portion of the existing open space, located on the southeast portion of the development, which is zoned Residential, RS-1-14. Consistent with the Community Plan's designation of the site as Regional Commercial, Westfield proposes to rezone a large portion of CC-1-3 to Commercial Regional, CR-1-1 for regional commercial uses, leaving the smaller portion of the site, designated as Open Space in the Community Plan, zoned CC-1-3 and RS-1-14 (Attachments 11 and 12). The purpose of the CR-1-1 zone is to provide areas for a broad mix of retail and other uses. The zone is intended to accommodate large-scale, high intensity developments located along major streets, primary arterials and major public transportation lines. The zone also allows a mix of regional serving commercial and residential uses, with an auto orientation. Multi-family residential is permitted in the CR-1-1 zone, provided it is part of a mixed-use (commercial/residential) project.

Vesting Tentative Map (VTM)

The project applicant also proposes a VTM to consolidate the existing lots, relocate existing lot lines, subdivide the land into 36 lots (23 ground lots and 13 air rights lots), create a maximum of 725 condominium units, summarily vacate portions of existing City water and sewer utility easements to construct new private services, and summarily vacate City pedestrian and non-motor vehicular easements or right-of-way to accommodate the new development (Attachments 6 and 7). The lots would range in size from 0.14 to 28.57 acres. In addition, public right-of-way dedication is proposed on site for new traffic lanes and bike lanes on La Jolla Village Drive, Genesee Avenue, Towne Center Drive, Lombard Place and Nobel Drive.

Master Planned Development Permit (MPDP)

The proposed phased redevelopment and renovation of the existing 1,061,400-square-foot UTC regional shopping center does not substantially conform to the approved PCD No. 83-0117, and requires an amendment to the approved permit pursuant to SDMC Section 126.0113. The proposed Planned Development Permit (PDP), an amendment to PCD No. 83-0117, would allow for greater flexibility in the application of development regulations for the project where strict application of the base zone development regulations would restrict design options. Also, the

SDMC allows applicants to obtain a "Master" PDP (MPDP) to provide flexibility for projects in which not all of the project components are fixed at the time of approval. The SDMC allows for detailed plans to be submitted in the future. The MPDP would help to implement the City's objectives for mixed-use projects, such as the proposed revitalization and expansion of UTC. The MPDP proposes development regulations in accordance with Section 143.0480 of the SDMC, including a conceptual site plan, architectural and landscape design guidelines, parking criteria, public transportation facilities, traffic and pedestrian circulation plans. These elements of design review are included within the project's exhibit of approval, Master Planned Development Permit and Design Guidelines for Westfield UTC (Design Guidelines) [Attachment 10]. As conditioned, the proposed MPDP, amendment to PCD No. 83-0117 would apply only to the property listed in Westfield's application, and the parcel lots with approximately 300 existing residential units will continue to be subject to the existing PCD No. 83-0117.

Site Development Permit (SDP)

A SDP is required because the UTC property is situated in the Community Plan Implementation Overlay Zone (CPIOZ), Type "A" area of the Community Plan. The San Diego Municipal Code (SDMC) Section 132.1401 indicates the purpose of the SDP regulations is to "provide supplemental development regulations that are tailored to specific sites within community plan areas of the City." In addition, a portion of the site, identified as the Torrey Trail district, contains approximately 1.92 acres of naturally occurring steep slopes (i.e., 25 percent gradient for a height of 50 feet) and sensitive biological resources that occur between the existing developed land in the southern-most reaches of the district and surrounding residential development. Pursuant to and SDMC Chapter 14, Article 3, Division 1 of the Environmentally Sensitive Lands (ESL) Regulations, any portion of the premises that contains, among others, steep hillsides and sensitive biological resources would be subject to ESL regulations. Other than proposed park improvements as noted in the Design Guidelines, the project does not propose any retail or residential development in the vicinity of the ESL nor would any development encroach into the ESL. Consistent with SDMC Section 143.0140(a), the permit has been conditioned requiring the applicant to grant a covenant easement across the portion of the premises containing ESL to restrict any encroachment.

As noted earlier, the project also includes the construction of a pedestrian bridge from Westfield's La Jolla Terrace district, across La Jolla Village Drive, north to a landing area between Towne Center Drive and Executive Drive. The north landing area is a dedicated public right of way per Embassy Suites Hotel Map No. 11506. Pursuant to the SDMC, any proposed encroachment that is erected, placed, constructed, established or maintained in the public right-of-way, when the applicant is not the record owner of the property on which the encroachment will be located, requires a Site Development Permit is required in accordance with SDMC Section 126.0502(d)(7).

Community Plan Analysis:

The subject property is an approximate 75.86-acre site designated Regional Commercial by the Community Plan. The Community Plan organizes the community into four major subareas including Torrey Pines, Central, Miramar and South University with the purpose of providing goals and recommendations specific to each subarea. The character of the community's four subareas will be pronouncedly different as reflected by the urban form, landscape, buildings and people. The subject property is located in the Central Subarea which is the most urban of the four subareas of the community. The Community Plan identifies a portion the Central Subarea as an Urban Node which is characterized by a relatively high density, mixed use core in the area of La Jolla Village Drive and Genesee Avenue. Activities such as retail, professional office, medium to high density residential and entertainment are currently concentrated within the Urban Node surrounding to the project site.

The Development Intensity Element of the Community Plan further divides the community into subareas and assigns land use and development intensities in accordance with the goals and objectives of the Community Plan. The site is located in subarea 43, identified as University Towne Center. The Community Plan currently assigns a total of 1,061,000 square feet of Regional Commercial use for subarea 43. The proposed General Plan and Community Plan amendment would increase the intensity for the site, as identified in the Development Intensity Element of the Community Plan, from 1,061,000 square feet of Regional Commercial use to 1,811,409 square feet Regional Commercial use and 250 multi-family dwelling units. A note would be added in the Development Intensity Element identifying that this property is subject to an approved Master Planned Development Permit (MPDP), which permits adjustment to the levels of retail and residential development (up to 725 units) within the intensity envelope for the property defined by the MPDP.

The following sections summarize the proposed land use change and project consistency with the goals and objectives of the Community Plan to develop the project site and surrounding area as an Urban Node. City staff responses to the issues identified in PC Resolution No. 3235-PC (Attachment 13) have been provided in Attachment 14.

Land Use

The proposed use is compatible with the high intensity uses surrounding the site. This includes office and hotel uses to the north, high density residential (45-75 dwelling units per acre) and retail to the west, medium density residential (30-45 dwelling units per acre) to the south, and office and medium density residential to the east. The area is characterized by relatively high intensity uses which could foster pedestrian walkability and bicycle use; however, development in the Urban Node has focused on vehicular circulation and has created development which turns its back to the streets. The project site is bound by La Jolla Village Drive to the north, Genesee Avenue to the west, Nobel Drive to the south and Town Center Drive to the east. These are four major circulation elements within the community but none provide the pedestrian orientation that the Community Plan calls for within the Urban Node. The Community Plan provides strong language for new and infill development along the Pedestrian Network within the Urban Node, but La Jolla Village Drive and Genesee Avenue were not included as part of this network. The

proposed amendment would include the portions of La Jolla Village Drive and Genesee Avenue that are within the Urban Node boundary as part of the Pedestrian Network. In doing so, new or infill development along these frontages would be required to design projects that focus more on the pedestrian and not the vehicle.

Because vehicular circulation in and around the Urban Node is very poor, it is imperative that accessibility and connectivity for non-motorized transportation be at the forefront of new and infill development in an area where employment, housing, transit, recreation, shopping and entertainment all exist within a relatively compact area. The proposed MPDP and Design Guidelines have included requirements that implement the policies of the Community Plan which when constructed, will improve pedestrian orientation and connectivity between adjacent uses and access to transit. Parkways with non-contiguous sidewalks, new bike lanes along Nobel Drive, open and identifiable project gateways, building facades that are scaled to the pedestrian along street frontages, and accessibility to a new transit facility which will accommodate bus and future Light Rail Transit are some of the project features that implement the design recommendations of the Community Plan within the Urban Node and provide the accessibility and connectivity that does not exist today.

The MPDP includes deviations from the proposed zone (CR-1-1) in order to implement the project. The deviations related to community plan land use include height, setbacks, building elevations and tree placement within the parkway for street frontages where non-contiguous sidewalks are proposed. The project's height exceeds the height limits of the proposed zone which is 60 feet. Retail buildings within 20 feet of the public right-of-way will be limited to 80 feet and all other retail buildings and parking decks will be limited to 100 feet. Residential building heights will be limited to 325 feet to 390 feet depending on location within the project boundaries. Although the proposed zone limits maximum structure height to 60 feet, surrounding building height of existing structures exceed 60 feet. To the west are two 16 story and two 20 story residential towers in the Costa Verde Specific Plan area. A recently approved, un-built residential project (Monte Verde) is located at the southwest corner of La Jolla Village Drive and Genesee Avenue within the Costa Verde Specific Plan area. The project includes one 23 story tower, two 22 story towers and one 21 story tower. To the north are a 15 story hotel and several high-rise office towers, the tallest of which is 17 stories. The proposed retail structures and parking decks which will be limited to 80 – 100 feet will be compatible in height to existing buildings in the immediate vicinity of the proposed project.

The residential structures would exceed the height of existing buildings in the area and have been deemed a significant, unmitigated impact to Aesthetics and Visual Quality in the EIR. However, included in the MPDP and Design Guidelines are requirements to design the residential structures with pedestrian scaled features to minimize the impact at the pedestrian level. Features such as landscaped parkways with non-contiguous sidewalks, awnings, trellises, arcades and porches, varied materials and offsetting planes which transition to the tower component are meant to provide a level of comfort for the pedestrian. Setbacks which allow development to be brought closer to the street will help to create street enclosure and a sense of protection for the pedestrian.

Traffic and Circulation

The proposed project will implement many of the Transportation goals of the Community Plan including the provision of a network of transportation systems that are integrated, complementary and compatible with other city-wide goals, link the entire community to all of its own activity areas and to the San Diego metropolitan area as a whole and encourage alternative modes of transportation. As stated above, the project would retrofit existing sidewalks from contiguous to non-contiguous with landscaped parkways, provide direct connections to adjacent uses through existing pedestrian bridges, construct a new pedestrian bridge over La Jolla Village Drive with development of the La Jolla Terrace planning area of the MPDP, construct new bike lanes along Nobel Drive, relocate and expand the existing bus transit center, and provide right-of-way and linkages for extension of the Mid-Coast LRT line and a new Trolley Station. The new bus transit center will also serve the Super Loop bus service which is anticipated to begin serving the University community in mid to late 2009.

Although the project would improve pedestrian and bicycle connectivity in and around the Urban Node and access to transit, the increased intensity will increase vehicle trips within the community. One of the goals of the Development Intensity Element is to provide a workable circulation system which accommodates anticipated traffic without reducing the Level of Service (LOS) below D. The traffic study clearly shows there will be segments and intersections below LOS D, but those levels currently exist or will exist in the Horizon Year even without the project. There are only two instances in the Near-Term and Horizon Year, Direct Impact or Cumulative Impact, with Genesee Avenue widening and without, where the project would cause the LOS to drop below D. The first is La Jolla Village Drive, from I-5 to Lebon Drive, in the Near Term Street Segment Operations, and the other occurs along La Jolla Village Drive, from Executive Way to Towne Centre Drive, in the Horizon Year Street Segment Operations without the Genesee Avenue widening.

Public Facilities

Parks: As part of the initial phase of residential development, Westfield UTC would improve the Torrey Trail planning area of the MPDP with park amenities open to the public. Depending on the number of residential units developed under the MPDP, a maximum of 4.1 acres of usable open space and recreational area would be required to serve the maximum residential scenario of 725 units. The park acreage would be located on-site adjacent to the residential, except the Torrey Trail portion, and would be privately owned and maintained with a recreation easement to allow for general public use.

Libraries: A new community library (North University Community Branch Library) has been completed and will serve any new residential units proposed by this project.

Sewer: The Point Loma Wastewater Treatment Facility currently has adequate capacity to serve the project. The existing 10-12 inch gravity sewer line in Genesee Avenue would not have adequate capacity to serve the project and would need to be upgraded to an 18 inch sewer line from the project site to the interceptor line in Rose Canyon. The recently approved Monte Verde project has addressed the need for the sewer line upgrade and the University Towne Center

project will be required to contribute its fair share amount for the upgrade, which may then be used to reimburse the Monte Verde project applicant for any expenses associated with upsizing the sewer line.

Water: The project will be conditioned to require that it not cause an increase in the City of San Diego's planned water demand above existing water usage levels at the site. This will be achieved by 1) off-setting any projected increases in potable water use on-site by retrofitting with reclaimed water one or more existing public off-site facilities that currently use potable water for irrigations, 2) using reclaimed water for on-site irrigation, 3) installing water efficiency measures as part of the project's LEED-ND sustainability program, and 4) monitoring water use for three years following project completion.

Schools: The project is located within the jurisdiction of the San Diego Unified School district (SDUSD). Doyle Elementary School, Standley Middle School, and University High School would serve the project. According to the SDUSD student generation rates per condominium unit, the maximum residential scenario (725 units) would result in a total of 74 students, of which 44 would be elementary, 13 would be middle school and 17 would be high school. Of the three schools, Doyle Elementary school would be over capacity as a result of the maximum residential scenario. According to state law (Government Code Section 65996(b)), the applicant's payment of school impact fees will constitute full and complete school facilities mitigation.

Solid Waste: Solid waste from the project site would be taken to Miramar Landfill. According to the City of San Diego's Environmental Services Division, new residential developments that generate more than 60 tons of solid waste per year and new commercial developments that generate more than 52 tons of solid waste per year have the potential to significantly impact the Miramar Landfill capacity. Anticipated solid waste generation following the buildout of the proposed project would result in significant impacts on both a project and cumulative level because more than 52 to 60 tons of solid waste per year would be generated by the project.

Police: The project would be served by the Police Department's Northern Division. The department's goal is for a ratio of officers to population of 1.5 officers per 1,000 persons. The Northern Division encompasses 68.2 square miles and serves a population of 249,873 people, which results in 0.6 officers per 1,000 population, 232 officers less than the goal ratio. The department's goal for responding to emergency priority calls is seven minutes. Response times on average for the Northern Division are 8.9 minutes for emergency calls and 18.4 minutes for Priority One calls. The Northern Division response time exceeds the City's average response time of 7.3 minutes for emergency calls and 13.1 for Priority One calls. At a ratio of 1.5 officers per 1,000 residents, the maximum residential scenario would generate a demand equivalent to 2.2 officers.

Fire: The project would be primarily served by Fire Station 35. Station 35's service district covers 14 square miles, whereas the national standard is a maximum of 9 square miles, and 4 square miles or less in densely populated areas. The national standard for emergency response coverage is to have a first responder arrive on scene within 5 minutes (1 minute turnout, 4 minutes of travel) 90% of the time, for both fire and medical emergencies. The response time to the project site is approximately 2 minutes as the station is located about one and one half miles

from the site. However, the project site does not have the ability of a full first alarm assignment, which consists of three engines and two trucks to reach the site in a prescribed time. In addition, the engine company at Station 35 is over workload capacity in a number of incidents per year which requires response from outlying fire stations. Additional stations that provide backup include Fire Stations 27, 28 and 41. The response time to the project site from Station 27 is approximately 7 minutes, 10 minutes from Station 28 and 5 minutes from Station 41.

Affordable Housing

The applicant will meet the requirements of the Inclusionary Affordable Housing Ordinance by providing ten percent of total residential units as affordable on-site per agreement with the San Diego Housing Commission.

Sustainability

The project applicant proposes to participate in a green building program designed to increase resource efficiency and sustainability. The applicant intends to seek certification within the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, which is the nationally accepted benchmark for the design, construction and operation of high performance green buildings. The project has been accepted as a LEED – ND (Neighborhood Design) pilot project by the U.S. Green Building Council. The LEED – ND pilot program integrates the principals of smart growth, new urbanism and green building. The project applicant has generated sustainability strategies for the redevelopment of the UTC shopping center, including those associated with landscape, lighting, electrical, structural and HVAC systems.

General Plan – Strategic Framework Element

The update to the City's General Plan was recently adopted by City Council on March 10, 2008. Although the project was submitted prior to the adoption of the updated General Plan, many of its goals and policies have been implemented in the design of the project and can be traced to the previously approved Strategic Framework Element (Element) which provided the overall structure to guide the update. The element represents the City's new approach for shaping how the City will grow while attempting to preserve the character of its communities and its most natural resources and amenities. The essence of the element is the City of Villages Strategy. The focus of the strategy is determining where and how new growth and redevelopment occur to ensure the long-term health of the City and its communities. The strategy seeks to target growth in village areas where housing, employment, commercial, recreation and transit all exist. The element identifies University Towne Center and the high density development surrounding it as a potential Urban Village Center. These types of centers have a cluster of intensive employment, residential, regional and sub-regional commercial uses to maximize walkability and support transit.

The University Towne Center project will revitalize and enhance an aging commercial center and provide additional housing opportunities (both market rate and affordable) in an area where intensive employment, regional, community, and neighborhood commercial services,

entertainment, recreation, transit, and high density housing exist within a short walking distance. The project has been designed to focus on the pedestrian in order to promote walkability and street vitality. The project increases pedestrian, bicycle and transit accessibility and provides new and improved connections between existing developments.

Environmental Analysis:

The Environmental Impact Report (EIR) analyzed the environmental impacts of the proposed UTC Project. Implementation of the proposed Mitigation, Monitoring and Reporting Program (MMRP) would reduce the environmental effects of the project to below a level of significance with the exception of significant, unmitigated impacts related to aesthetics/visual quality, traffic and circulation, air quality, and public utilities. Aesthetics/Visual Quality impacts are anticipated to occur for the residential development's proposed maximum structure height limits that would exceed the City's development regulation of the proposed CR-1-1 zone and the existing pattern of development in the surrounding community. Traffic and circulation impacts are anticipated to occur at bordering street segments, Interstate 805 (I-805) between Nobel Drive and State Route 52, and I-805/I-5 freeway ramps. Air Quality impacts are related to fugitive dust emissions during project construction and increased traffic emissions that could affect the air basin. Public Utilities impacts are anticipated to occur from the increase in solid waste generated by the project. The aforementioned impacts would be direct, cumulative, or a combination of both. Implementation of the proposed MMRP would reduce impacts to below a level of significance in the following categories: traffic circulation at the local level, air quality; public utilities; paleontological resources, and construction effects.

Transportation

Implementation of the project would have direct and cumulative impacts to street segments along Genesee Avenue (from Nobel Drive to Decoro Street and from Governor Drive to State Route (SR) 52), various segments of La Jolla Village Drive between I-5 and I-805), and the I-805 freeway mainlines between Nobel Drive and SR 52 (southbound and northbound in the PM peak hour). Five freeway ramp meters also would experience direct and cumulatively significant unmitigable impacts, including I-805 and I-5 ramps with La Jolla Village and Nobel Drive.

Planned improvements in the North University City Facilities Benefit Assessment (FBA), which would include the widening of Genesee Avenue from four to six lanes along the affected segments, would mitigate project impacts from Nobel Drive to Decoro Street and Governor Drive to SR 52 to below a level of significance. However, due to community concern, the City is reviewing the option of not widening the roadway. Currently, no official decision has been made and therefore, direct and cumulative impacts to segments of Genesee Avenue would remain significant and unmitigated.

Significant impacts to segments of La Jolla Village Drive between I-5 and I-805 could be mitigated below a level of significance by the addition of lanes. However, Westfield has indicated that it would not implement all recommended street segment mitigation along La Jolla Village Drive because widening the roadway up to ten thru lanes plus multiple additional turn lanes would be inconsistent with community character and urban design policies in the UCP. Significant impacts would be partially mitigated by providing an additional eastbound lane along

La Jolla Village between Towne Center Drive and I-805 by re-striping and restricting parking and by implementing intersection mitigation at Regents Road, Genesee Avenue, Executive Way, and Towne Center Drive. Impacts to these street segments would remain significant and unmitigated following implementation of the above mitigation.

San Diego Association of Governments (SANDAG) has identified future improvements to both I-5 and I-805 within the project area. These improvements are part of the Mobility 2030 Plan. Payment of fair-share fees by Westfield (totaling \$3.38 million) would contribute funding toward the study, design or implementation of traffic operational improvements (i.e., auxiliary lanes) on I-805 between La Jolla Village Drive and SR-52. Westfield would construct project improvements that would either extend queue storage for existing lanes or provide a High Occupancy Vehicle (HOV) lane at affected freeway ramps. The improvements would not technically mitigate project impacts (i.e., reduce ramp meter delays); rather, they would provide additional queue storage and are deemed feasible. In addition, planned freeway improvements on I-5 and I-805 would offer partial mitigation for ramp meter impacts. However, direct and cumulative impacts to freeway ramp meters would remain significant and unmitigable.

Aesthetics/Visual Quality

The proposed project would conflict with the City of San Diego's significance thresholds for height, bulk, materials and style since it proposes structures that could substantially exceed the maximum structure height limits in the development regulations of the proposed zone (CR-1-1) and the existing pattern of development in the surrounding community. The maximum height limit of the residential development would substantially exceed the bulk and scale regulations and result in a significant and unmitigable impact to visual character. Other than reducing the building heights to levels that are compatible with existing development in the community, no mitigation is available to reduce significant aesthetics impacts to visual character caused by the bulk and scale of the proposed residential development.

Air Quality

Standard dust control mitigation measures would be implemented during both phases of construction to reduce the amount of Particulate Matter (PM) generated during project build out. Dust control measures would be required during grading and demolition activities to partially reduce emissions. Based on the combined control efficiencies associated with the mitigation measures, it was conservatively assumed that fugitive dust emissions from grading and demolition would be reduced by 50 percent, and from materials handling (export) by 50 percent. It was assumed that demolition emissions would be controlled by 36 percent. Therefore, the impact to ambient air quality would remain significant and unmitigable during temporary construction of both phases.

There are no feasible mitigation measures to reduce operational emissions which are mainly associated with traffic. Subsequently, significant impacts to regional air quality (i.e., the ability of the air basin to attain and maintain ambient air quality standards for O3) on both a project and cumulative level would remain significant. However, with improvements in vehicle emission standards and phase out of older vehicles, emissions would decrease with time and ultimately be below the quantitative threshold. In addition, the project would feature transit improvements, transportation demand management measures and enhance pedestrian connections in and around

the UTC area, thus reducing the project's contribution to O3 precursors. Operational emissions of mainly attributable to vehicles on public roads would remain significant and unmitigable.

Public Utilities

The demand for solid waste disposal services would result in significant cumulative impacts. Combined with other projects in the University area and the region, the impact on landfill capacity would be cumulatively significant due to the general shortage of suitable landfill disposal areas. Waste management actions, for example provisions for recycling, taken by the proposed development would help reduce the contribution of the project to solid waste disposal impacts, however, full mitigation of the cumulative impact would require actions which are beyond the control of any one project, which would be the creation of new landfills. Therefore, the project's contribution to cumulative impacts on solid waste disposal would be significant and not mitigated.

MMRP

In an effort to reduce or avoid those direct impacts identified as potentially significant with implementation of the proposed project, the following areas of concern would be included in the MMRP: Transportation/Circulation; Air Quality; Public Utilities; Paleontological Resources, and Construction Effects. For these subject areas, mitigation would be included to reduce the direct impacts to a level below significance.

Alternatives

None of the project alternatives analyzed in this EIR would completely eliminate all of the significant impacts of the project. Selection of any of the project alternatives would, however, reduce the project's contribution to one or more of the significant impacts. All of the alternatives would result in significant, unmitigable impacts to traffic and circulation, visual effects/neighborhood character, and public utilities. Further discussion in greater detail is provided in the final Environmental Impact Report.

Project-Related Issues:

Development Flexibility - The MPDP/SDP would allow the renovation and expansion of retail uses by 610,000 to 750,000 square feet and the development of 250 to 725 multi-family residential units. The land use scenarios in the MPDP would be restricted to a mixture of retail and an option for residential uses that would not exceed 17,800 cumulative average daily trips (ADTs) and 256 in-bound AM peak hour/778 out-bound PM peak hour trips. As conditioned, any proposed office or hotels uses, other than in support of an approved commercial and residential use on the UTC site, will require an amendment to the permit.

Requested Deviations - As noted in the Project Description section, the MPDP would allow the following deviations for greater flexibility in the application of development regulations for the project where strict application of the base zone development regulations would restrict UTC's design options:

- Deviations from the minimum lot standards for the interior lots may include street frontage, lot area, lot dimensions, setbacks and lot coverage. The site will be treated as a single premises with respect to the development regulations; the frontage and setback

standards only apply to the portions of any exterior lot which are adjacent to the public right-of-way;

- Retail buildings within 20 feet of the public right-of-way shall be limited to 80 feet in height where the maximum structure height of the CR-1-1 zone is 60 feet;
- The maximum structure height for all other retail buildings and parking decks shall be 100 feet. In addition, the total cumulative area of any retail floors, which are 80 feet or higher above grade, shall not exceed more than 10 percent of the total amount of square feet allocated to regional commercial use permitted within the MPDP;
- The maximum building height for non-retail uses in the planning areas where they are permitted varies from approximately 325 feet above grade in Towne Center Gardens to approximately 390 feet above grade in Nobel Heights for residential buildings;
- Residential uses and parking will be permitted on the ground floor in the front half of the lot where it is not normally allowed in the CR-1-1 zone;
- All building elevations, within 20 feet of the property line, fronting a public right-of-way will include offsetting planes as described in the MPDP, rather than based on the length of the building façade as required in the Municipal Code;
- Street trees may be placed four feet from the face of curb rather than seven feet as required in the Municipal Code if a non-contiguous sidewalk is proposed as part of a street classified in the Community Plan as a major street, primary arterial, or expressway;
- The proposed private on-site sewer may require a depth of more than 15 feet as is the maximum depth in the Municipal Code. Should a depth of more than 15 feet be necessary, UTC shall design the utility corridor and nearby structure to provide adequate width and clearance for any possible future repair or replacement of the sewer line; and
- Deviation from the required minimum 10-foot setback to a minimum of 5 feet setback along the Genesee Avenue frontage only, and only where required to accommodate the future light rail service and/or the relocated and expanded transit center.

Transit Center - The applicant, in cooperation with SANDAG, MTS, and the City would relocate and expand the existing bus transit center. The expanded transit center would be constructed by the applicant, and added to the University City Facilities Benefit Assessment (FBA) to serve as a benefit to the whole community. The existing bus transit center on site would be expanded from 6 to up to 11 bus bays to allow an expansion in bus service. The proposed project would also reserve right-of-way along its frontage with Genesee Avenue and on site for the proposed transit center and planned extension of a light rail transit line through the University City/Golden Triangle area with a stop proposed at a new station along Genesee Avenue near UTC. Two transit center locations were identified through discussions with SANDAG, MTS and the City of San Diego. As conditioned in the permit, the proposed design and capacity of the center would reflect the needs of SANDAG and MTS. The final location of the transit center has not yet been determined but both locations have been considered by the City and either alternative may be implemented depending on the preferences and requirements of SANDAG, MTS, and the City.

Pedestrian Bridge - Consistent with the Community Plan, the project proposes the construction of a pedestrian bridge from the La Jolla Terrace district, across La Jolla Village Drive, north to a landing area between Towne Center Drive and Executive Drive. The north landing area is an existing dedicated public right of way per Embassy Suites Hotel Map No. 11506. The permit and

Vesting Tentative Map includes conditions requiring the applicant to enter into a Deferred Improvement Agreement and ultimately construct the bridge upon development within their La Jolla Terrace district area.

MPDP Substantial Conformance Review – All future development on site would have to be determined to be substantially consistent with the conceptual development regulations proposed at the time of MPDP approval. That consistency would be determined during a Substantial Conformance Review (SCR) by City staff. Specifically and as conditioned in the permit, at a point in time when detailed building and landscape drawings are submitted to the City for review, the project applicant would request that they be processed under the SCR process. If the development request is in excess of 50,000 square feet, the SCR would be a Process Two decision with appeal rights to the Planning Commission, whereas development proposals under 50,000 square feet would be subject to a Process One, City staff decision. City staff would have to determine that any future building permit is consistent with the proposed development regulations contained in the MPDP and the exhibits of approval; otherwise, the project applicant may have to apply for an amendment to the MPDP, as necessary.

Economic Analysis - The City's CPCI Economic Development Division has evaluated UTC's Fiscal, Economic, and Market Studies and indicates the expansion and modernization of the University Towne Center shopping mall would provide the City of San Diego with extraordinary public benefits mostly in the form of approximately \$3 million in net new annual General Fund tax revenues. The actual construction process should generate an additional approximately \$1 million in General Fund revenues, and the economic activity associated with the project will also provide benefits to the City in the form of job opportunities for its residents.

Critical Project Features to Consider During Substantial Conformance Review

The permit, as prepared, includes specific conditions of approval requiring the owners and subsequent owner(s) to submit an application for Substantial Conformance Review (SCR), Process One or Process Two depending upon design significance threshold, prior to applying for any construction permit. Specific exhibits of approval have been prepared including the project's UTC Design Guidelines with specific guidance related to zoning requirements, signage, on-site circulation, storage areas, employee amenities, landscape, exterior lighting, and mix of uses for the project within each building. These are important and necessary to conclude the proposed phased development would not adversely impact the University Community Plan; not create unmitigated transportation/circulation impacts; and be consistent with the requirements of the Land Development Code.

Conclusion:

Staff has determined the proposed UTC project, with the adoption of the University Community Plan amendment and the zoning ordinance complies with the applicable sections of the Municipal Code and adopted City Council policies. Staff has determined the required findings would support the decision to approve the proposed project's Vesting Tentative Map, Master Planned Development Permit, and Site Development Permit (Attachments 8 and 9). An Environmental Impact Report has been prepared for this project and the mitigation required

would reduce any potentially significant impact to a level below significance. Findings and Statement of Overriding Consideration must be made to certify the Environmental Impact Report for potential impacts which are direct, cumulative and unmitigated.

ALTERNATIVES

1.

A. Recommend to the City Council **Certification** of the Environmental Impact Report No. 2214, **Adoption** of the Mitigation Monitoring and Reporting Program, and **Adoption** of Westfield's Findings and Statement of Overriding Consideration; and

B. Recommend to the City Council **Approval** of the resolutions amending the Progress Guide and General Plan, the University Community Plan, **Adoption** of the rezone ordinance, and **Approval** of the Vesting Tentative Map No. with summary vacations of easements and right of way, Planned Development Permit No., and Site Development Permit No., with modifications; or,

2.

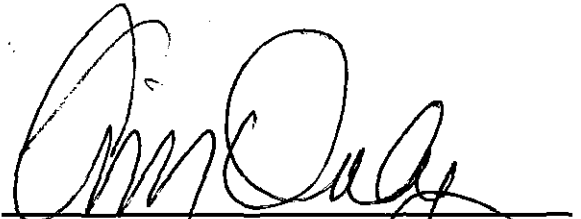
A. Recommend to the City Council they **Do Not Certify** the Environmental Impact Report No. 2214, **Do Not Adopt** the Mitigation Monitoring and Reporting Program, or **Do Not Adopt** Westfield's Findings and Statement of Overriding Consideration; and

B. Recommend to the City Council **Denial** of the resolutions amending the Progress Guide and General Plan, the University Community Plan, **Deny** the rezone ordinance, and **Deny** the Vesting Tentative Map No. with summary vacations of easements and right of way, Planned Development Permit No., and Site Development Permit No., with modifications, if the findings required to approve the project cannot be affirmed.

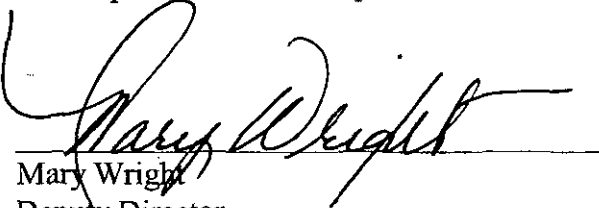
Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Tim Daly
Development Project Manager
Development Services Department



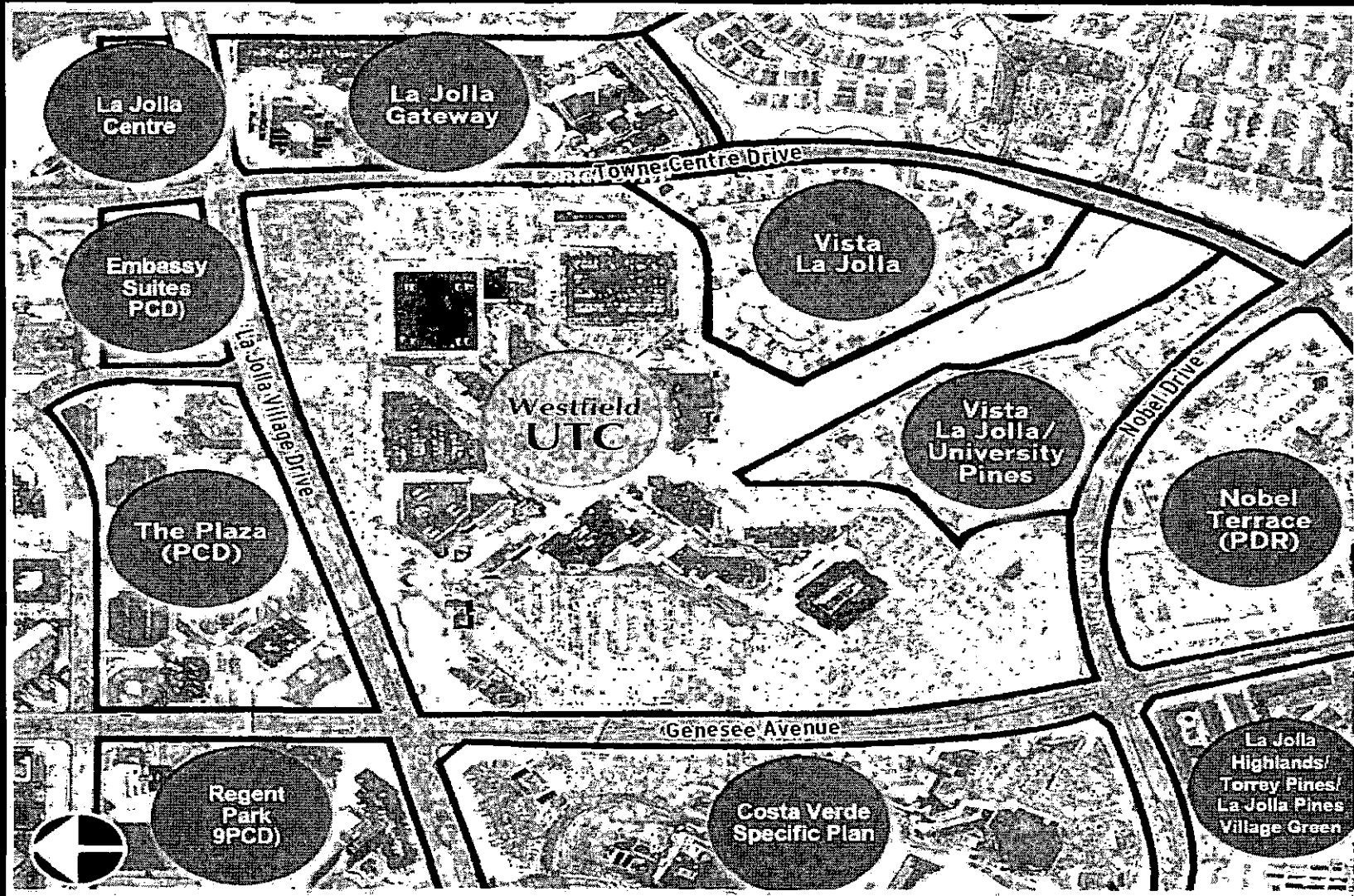
Mary Wright
Deputy Director
City Planning and Community Investment Department

BROUGHTON/ANDERSON/TPD

Attachments:

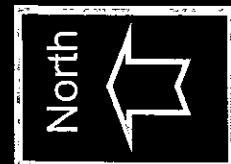
1. Aerial Photograph
2. Project Location Map
3. Community Plan Land Use Map
4. Project Data Sheet
5. Existing PCD Permit No. 83-0117
6. Vesting Tentative Map
7. Draft Map Conditions and Subdivision Resolution
8. Draft Permit with Conditions
9. Draft Resolution with Findings
10. Master Planned Development permit and Design Guidelines for Westfield UTC (separate bound attachment)
11. Draft Rezone Ordinance
12. Rezone - B Sheet
13. PC Resolution No. 3225-PC, Feb. 7, 2002
14. City responses to Initiation of Community Plan Amendment issues
15. Draft Community Plan Amendment Documents
16. San Diego County Regional Airport Authority Resolution No. 2008-0002 ALUC
17. Ownership Disclosure Statement
18. Project Chronology
19. Candidate Findings of Fact and Statement of Overriding Considerations regarding FEIR No. 2214 (separate bound attachment)

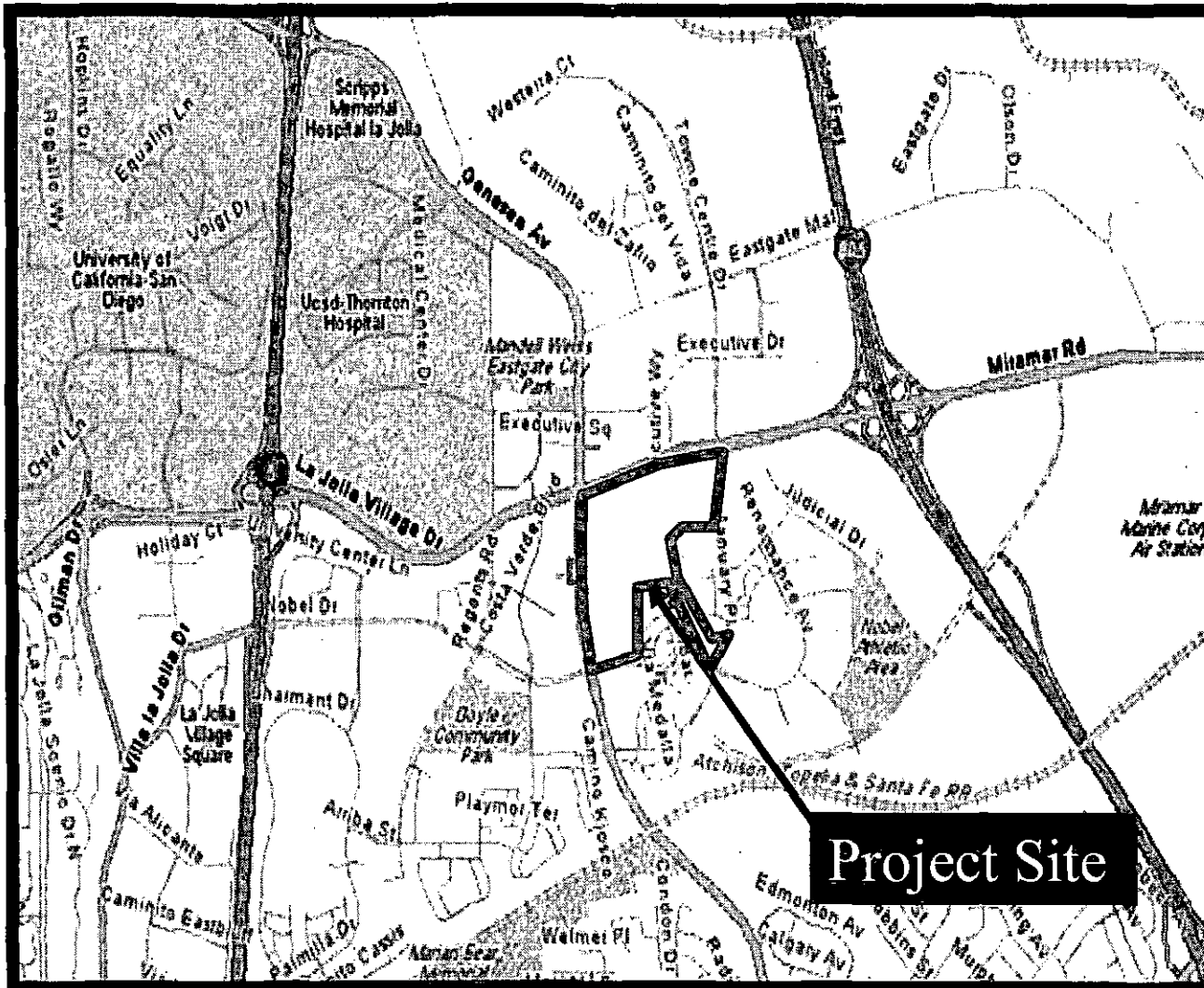
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Aerial Photo

UNIVERSITY TOWNE CENTER, Project No. 2214
La Jolla Village Drive





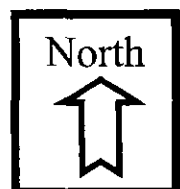
Project Location Map

UNIVERSITY TOWNE CENTER, Project No. 2214
La Jolla Village Drive





UNIVERSITY TOWNE CENTER, Project No. 2214
La Jolla Village Drive



001353

PROJECT DATA SHEET

PROJECT NAME:	University Towne Center – Project # 2214	
PROJECT DESCRIPTION:	Community Plan amendment, subdivision w/ easement and right of way vacations to create 36 lots, and rezone portions of CC-1-3 to CR-1-1 for the phased redevelopment and renovation of the existing regional shopping center to include the expansion of retail uses by 610,000 to 750,000 square feet and the development of 250 to 725 multi-family residential units.	
COMMUNITY PLAN AREA	University Community Plan	
DISCRETIONARY ACTIONS:	Community Plan Amendment, Rezone, MPDP, SDP, and VTM w/ Utility Easement and Right of Way Vacations	
COMMUNITY PLAN LAND USE DESIGNATION:	The proposed project requests to amend the University Community Plan to increase retail use, change La Jolla Village Dr. and Genesee Ave. from auto-oriented roadways to urban node pedestrian network, and allow residential development on a site designated Commercial Regional.	
<u>CURRENT ZONING INFORMATION:</u> ZONE: CC-1-3 (info below) & RS-1-14 DENSITY: 1 unit/1,500 SF HEIGHT LIMIT: 45 feet LOT SIZE: Min. 5,000 SF FLOOR AREA RATIO: Max. 0.75 FRONT SETBACK: N/A SIDE SETBACK: 10 feet STREETSIDE SETBACK: 10 feet REAR SETBACK: N/A PARKING: 4.3/1,000 SF		<u>PROPOSED</u> CR-1-1 (info below) CC-1-3, & RS-1-14 1 unit/1,500 SF 60 ft. req'd w/ 390 ft. max proposed 0.14 to 28.57 acres 1.0/50 10 feet 10 feet 10 feet 10 feet 7,163 parking spaces @ buildout

<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Commercial /CO-1-2 & CC-1-3	Commercial/Office/Hotel
SOUTH:	Residential/RM-2-5	Multi-Family Residential
EAST:	Commercial & Residential / CO-1-2 & RM-2-5	Office/Residential
WEST:	Residential/RS-1-14	Costa Verde Specific Plan w/ Commercial and Multi-Family Residential
DEVIATIONS OR VARIANCES REQUESTED:	<p>1. Deviations from the minimum lot standards for the interior lots may include street frontage, lot area, lot dimensions, setbacks and lot coverage. The site will be treated as a single premises with respect to the development regulations; the frontage and setback standards only apply to the portions of any exterior lot which are adjacent to the public right-of-way;</p> <p>2. Retail buildings within 20 feet of the public right-of-way shall be limited to 80 feet in height where the maximum structure height of the CR-1-1 zone is 60 feet;</p> <p>3. The maximum structure height for all other retail buildings and parking decks shall be 100 feet. In addition, the total cumulative area of any retail floors, which are 80 feet or higher above grade, shall not exceed more than 10 percent of the total amount of square feet allocated to regional commercial use permitted within the MPDP;</p> <p>4. The maximum building height for non-retail uses in the planning areas where they are permitted varies from approximately 325 feet above grade in Towne Center Gardens to approximately 390 feet above grade in Nobel Heights for residential buildings;</p> <p>5. Residential uses and parking will be permitted on the ground floor in the front half of the lot where it is not allowed in the CR-1-1 zone;</p> <p>6. All building elevations, within 20 feet of the property line, fronting a public right-of-way will include offsetting planes as described in the MPDP, rather than based on the length of the building façade as required in the Municipal Code;</p>	

001355	<p>7. Street trees may be placed four feet from the face of curb rather than seven feet as required in the Municipal Code if a non-contiguous sidewalk is proposed as part of a street classified in the Community Plan as a major street, primary arterial, or expressway;</p> <p>8. The proposed private on-site sewer may require a depth of more than 15 feet as is the maximum depth in the Municipal Code. Should a depth of more than 15 feet be necessary, UTC shall design the utility corridor and nearby structure to provide adequate width and clearance for any possible future repair or replacement of the sewer line; and</p> <p>9. Deviation from the required minimum 10-foot setback to a minimum of 5 feet setback along the Genesee Avenue frontage only, and only where required to accommodate the future light rail service and/or the relocated and expanded transit center.</p>
COMMUNITY PLANNING GROUP	On May 13, 2008, the University Community Planning Board voted 11:3:1 to recommend denial of the project.

PLANNED COMMERCIAL DEVELOPMENT PERMIT AMENDMENT NO. 83-0117

ATTACHMENT 5

PLANNING DIRECTOR

001357 (Formerly PCD No. 2, Amendment No.2)

83-0117

A Planned Commercial Development Permit Amendment is granted to the Planning Director of The City of San Diego to TEACHERS SURETY AND ANNUITY ASSOCIATION OF AMERICA, a New York Corporation, Owner, and UNIVERSITY TOWNE CENTRE ASSOCIATES, a Limited Partnership, Permittee, under the conditions in Section 1.0910 of the Municipal Code of The City of San Diego.

Permission is granted to Owner/Permittee to add a 7,000-square-foot department store, 45,000 square feet of retail uses and two parking structures on a 68-acre site at the University Towne Centre, located at the southwest corner of Jolla Village Drive and Towne Centre Drive, described as parcels 1-4, Parcel Map No. 6481; University Towne Centre, Unit #2, Map No. 8333; Unit #3, Map No. 8679 and Unit #4, Map No. 8502, in the CA Zone.

The facility shall consist of the following:

- a. Three department stores totaling 472,753 square feet in floor area;
- b. Retail stores totaling 265,646 square feet in floor area;
- c. Public, cultural, educational and recreational facilities totaling 150,610 square feet in floor area;
- d. Approximately 300 residential units totaling about 300,000 square feet in floor area;
- e. Off-street parking; and
- f. Accessory uses as may be determined incidental and approved by the Planning Director.

Proposed additions:

- a. A department store totaling about 127,000 square feet in floor area;
- b. Additional retail space totaling about 45,000 square feet in floor area;
- c. Two parking structures containing 611 parking spaces;
- d. An MTD bus transfer facility; and
- e. An addition to a freestanding restaurant.

001358

ATTACHMENT 5

The applicant and the Metropolitan Transit Development Board (MTDB), or their successors, shall come to an agreement, ensuring the establishment of a bus transfer facility on the site, prior to the issuance of occupancy permits for the new construction.

All additional signage for this amendment shall be approved by the Planning Director.

Detailed elevations of the proposed exterior treatment of the Carlos Murphy's Restaurant, as shown on Exhibit "A" dated March 18, 1983, shall be submitted to the Planning Director, prior to the approval of building permits.

No fewer than 4,644 off-street parking spaces (611 spaces within parking structures and 4,033 open parking spaces) shall be maintained on the property in the approximate location shown on Exhibit "A," dated March 18, 1983, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.

8. No permit for grading or construction of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the permit to the Planning Department;
- b. The Planned Commercial Development Permit is recorded in the office of the County Recorder.

If the signed permit is not received by the Planning Department within 90 days of the Planning Director decision or within 30 days of a Planning Commission or City Council decision, the permit shall be void.

9. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A" dated March 18, 1983, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

10. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A" dated March 18, 1983, on file in the office of the

Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended.

11. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.

12. This Planned Commercial Development Permit amendment must be used within 24 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0910 of the Municipal Code.

13. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

14. After establishment of the project, the property shall not be used for any other purposes unless:

- a. Authorized by the Planning Director; or
- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
- c. The permit has been revoked by the City.

15. This Planned Commercial Development Permit amendment may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

16. This Planned Commercial Development Permit amendment is a covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.

Passed and Adopted by the Planning Director on March 18, 1983.

001360

FINDINGS

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Community Plan. The project would be consistent with the General Plan and the adopted University Community Plan, which designates the subject property for a regional shopping center. Tentative revisions of the University Community Plan would permit the intensity of land use proposed for this project.
2. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety, and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. The Planned Commercial Development Permit Amendment shall be subject to all conditions contained in the tentative parcel map resolution, which contains recommendations from the Engineering and Development Department. The PCD Amendment calls for the applicant or its successors to share in the cost of additional public facilities as needed. The applicant is required to enter into an agreement with the Metropolitan Transit Development Board (MTDB) or its successor to provide for a bus transfer facility within the project. Parking proposed by the applicant would improve the parking gross floor area ratio from one space per 235 square feet of floor area to one space per 228 square feet of floor area.
3. The proposed use will comply with the relevant regulations in the Municipal Code. The proposed development would meet development standards of the CA Zone, and would meet all design criteria and minimum standards of the Planned Commercial Development Ordinance.

001361

Planned Commercial Development Amendment is granted by the Planning Commission of The City of San Diego to UNIVERSITY TOWNE CENTER ASSOCIATES, General partnership, "Owner/Permittee," for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0910 of the Municipal Code of The City of San Diego.

ATTACHMENT 5

Permission is hereby granted to "Owner/Permittee" to maintain a Planned Commercial Development located at the southeast corner of Genesee Avenue and La Jolla Village Drive more particularly described as Parcel 1-4, Parcel Map #6481; University Town Center Unit 2, Map 8333; Unit 3, Map 8379; Unit 4, Map 8502 in the CA Zone.

Condition 2A of the approved permit dated September 30, 1976, shall be amended to read as follows:

- A. A town center with approximately 1.17 million square feet of gross floor area, consisting of the following:
 1. Commercial/retail - 727,519 square feet of floor area, located in Unit 1 described in Appendix "A".
 2. Public, cultural, educational and recreational facilities - 150,000 square feet of floor area, located in Unit 1 described in Appendix "A".
 3. Residential - 300,000 square feet of floor area (approximately 300 living units), located in Units 2, 3 and 4 described in Appendix "A".

Condition 15 of the City Council approved permit dated May 18, 1975, shall be amended to read as follows:

"In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of Permittee or its successors in interest, shall be deemed a material breach hereof and this permit may be cancelled or revoke. Provided, however, no breach of any of the terms or conditions of this permit with respect to one Unit shall constitute a breach with respect to any of the other Units and, in the event of such breach as to any Unit, this permit shall remain effective and satisfied as to any of the other Units to which such breach does not apply. Cancellation or revocation of this permit may be instituted by the

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City or Permittee. The Planning Director shall set this matter for ATTACHMENT 5 public hearing before the Planning Commission giving the same notice as provided in Section 101.0910. An appeal from the decision of the Planning Commission may be taken to the City Council within ten days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0910."

Passed and adopted by the Planning Commission of The City of San Diego on March 22, 1979.

GENERAL CONDITIONS FOR PLANNED COMMERCIAL DEVELOPMENT PERMITS

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Prior to the issuance of any building permits, complete building plans (including landscape plans) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit "A" dated March 22, 1979, on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and recorded. ATTACHMENT

Prior to the issuance of any building permits, a complete landscaping plan, including permanent watering system, shall be submitted to the Planning Director for approval. Landscape plans shall be in substantial conformity with Exhibit "A" dated March 22, 1979 on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.

All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

This Planned Commercial Development Permit must be utilized within 18 months after the effective date thereof. Failure to utilize subject permit within 18 months will automatically void the same, unless an extension of time has been granted by the Planning Commission as set forth in Section 101.0910 of the Municipal Code.

5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.

6. This Planned Commercial Development Permit shall not be final until the eleventh day following its filing in the office of the City Clerk and is subject to appeal to the City Council as provided for in Section 101.0910 of the Municipal Code of The City of San Diego.

7. The effectiveness of this Planned Commercial Development Permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until, the following events shall have occurred:

a. Permittee shall have agreed to each and every condition hereof by having this Planned Commercial Development Permit signed within 90 days of the Commission's decision. In no event shall this condition be construed to extend the time limitation set forth in #4 above, i.e., the time commences to run on the date that the Planning Commission granted this Planned Commercial Development Permit.

b. This Planned Commercial Development Permit executed as indicated shall have been recorded in the office of the County Recorder.

8. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, unless the proposed use meets every requirement of zone existing for the

ject property at the time of conversion.


The property included within this Planned Commercial Development shall be used y for the purposes and under the terms and conditions as set forth in this permit ess the permit shall have been revoked by The City of San Diego.

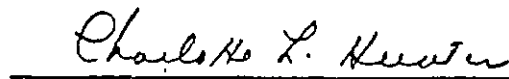
In addition to any other remedy provided by law, any breach in any of the terms conditions of this Permit or any default on the part of the Permittee or its successor interest, shall be deemed a material breach hereof and this Permit may be canceled or voked. Cancellation or revocation of this Permit may be instituted by the City or rmittee. The Planning Director shall set this matter for public hearing before the anning Commission giving the same notice as provided in Section 101.0910. An appeal om the decision of the Planning Commission may be taken to the City Council within n days after the decision is filed with the City Clerk. The Clerk shall set the matte or public hearing before the City Council giving the same notice as provided in etion 101.0910.

1. This Planned Commercial Development Permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and rovisions hereof shall be binding upon Permittee, and any successor or successors hereto, and the interests of any successor shall be subject to each and every con- dition herein set out.

001365

AUTHENTICATED BY:



James M. Herrick, Senior Planner
Planning Department


Charlotte L. Hunter, Secretary of the
Planning Commission

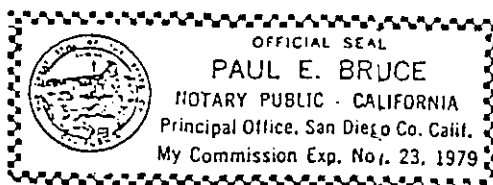
STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.

On this 2ND day of APRIL, 19 79, before me, the undersigned, a Notary Public in and for said County and State, personally appeared JAMES M. HERRICK, known to me to be Senior Planner of The City of San Diego Planning Department, and CHARLOTTE L. HUNTER, known to me to be the Secretary of the Planning Commission of The City of San Diego and known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in the County of San Diego, State of California, the day and year in this certificate first above written.


Notary Public in and for the County of
San Diego, State of California

NOTARY STAMP



CKNOWLEDGED:

The undersigned "Owner/Permittee" by execution hereof agrees to each and every condition of this Permit and promises to perform each and every obligation of permittee hereunder.

UNIVERSITY TOWNE CENTER ASSOCIATES
A partnership, "Owner/Permittee"

By _____
Authorized Signator

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.

On _____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, known to me to be one of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.

Signature _____

NOTARY SEAL

Name (Typed or Printed) _____

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.

On _____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, known to me to be one of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.

Signature _____

NOTARY SEAL

Name (Typed or Printed) _____

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 2/AMENDMENT 1
PLANNING COMMISSION


This Planned Commercial Development Permit Amendment is granted by the Planning Commission of The City of San Diego to UNIVERSITY TOWN CENTER ASSOCIATES, a general partnership, "Owner/Permittee", for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0910 of the Municipal Code of The City of San Diego.


1. Permission is hereby granted to "Owner/Permittee" to construct and operate a Planned Commercial Development located at the southeast corner of Genesee Avenue and La Jolla Village Drive, being a portion of Pueblo Lots 1302, 1303, 1307 and 1308, and Lot 1 University Town Center Unit 1, Map #8332, and Lot 2, University Town Center Unit 2, Map #833, in the R-1-5 (proposed CA) and CA zones.
2. The Planned Commercial Development Permit and Amendment shall include and the term "Project" as used in the Planned Commercial Development Permit shall mean the total of the following facilities:
 - a. A town center with approximately 1.17 million square feet of gross floor area, consisting of the following:
 1. Commercial/retail - 727,519 square feet of floor area.
 2. Public, cultural, educational and recreational facilities - 150,000 square feet of floor area.
 3. Residential - 300,000 square feet of floor area (approximately 300 living units).
 - b. Offstreet parking consistent with the CA zone or as approved by the Planning Commission.
 - c. Incidental uses as may be determined and approved by the Planning Director.
3. All conditions of the previous Planned Commercial Development Permit must continue to be met and complied with.
4. Prior to the issuance of any building permits, complete building plans shall be submitted to the Planning Director for approval. Said plans shall be consistent with the concept shown on Exhibit "A" dated January 8, 1975, September 23, 1975, and September 30, 1976, on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.

Passed and adopted by the Planning Commission of The City of San Diego on September 30, 1976.

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AUTHENTICATED BY:


F. R. Krostman, Senior Planner
Planning Department


Charlotte L. Hunter, Secretary of the
Planning Commission

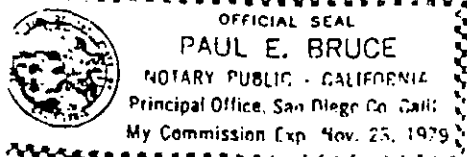
STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.

On this 19TH day of October, 19 76, before me, the under-
signed, a Notary Public in and for said County and State, personally appeared
F. R. KROSTMAN, known to me to be Senior Planner of The City of
San Diego Planning Department, and CHARLOTTE L. HUNTER, known to me to be the
Secretary of the Planning Commission of The City of San Diego and known to me to
be the persons whose names are subscribed to the within instrument and acknowledged
that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in the County
of San Diego, State of California, the day and year in this certificate first
above written.


Notary Public in and for the County of
San Diego, State of California

NOTARY STAMP



CKNOWLEDGED:

he undersigned "Owner/Permittee" by execution hereof agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder. **ATTACHMENT 5**

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UNIVERSITY TOWN CENTER ASSOCIATES,
a General Partnership, "Owner/Permittee"

By _____

Authorized Signator

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.

On _____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, known to me to be one of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.

Signature _____

NOTARY SEAL

Name (Typed or Printed)

001370

42
Sept 1976 ATTACHMENT 5

PLANNING COMMISSION RESOLUTION NO. 596

APPROVING PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 2/AMENDMENT 1

WHEREAS, UNIVERSITY TOWN CENTER ASSOCIATES, a general partnership, "Owner/Permittee", filed an application for a Planned Commercial Development Permit Amendment to construct and operate a Planned Commercial Development located at the southeast corner of Genesee Avenue and La Jolla Village Drive, being a portion of Pueblo Lots 1302, 1303, 1307 and 1308, and Lot 1 University Town Center Unit 1, Map #8332, and Lot 2, University Town Center Unit 2, Map #833, in the R-1-5 (Proposed CA) and CA Zones; and

WHEREAS, on September 30, 1976, the Planning Commission of The City of San Diego considered Planned Commercial Development Permit No. 2/Amendment 1 pursuant to Section 101.0910 of the Municipal Code of The City of San Diego and received for its consideration documentary, written and oral testimony, and heard from all interested parties present at the public hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Planning Commission of The City of San Diego, as follows:

1. That the Planning Commission adopts as the Findings of the Planning Commission those written Findings set forth in the Report of the Planning Department dated September 23, 1976, and found beginning at Page 3 of said Report, a copy of which is attached hereto and by this reference incorporated herein.

2. That said Findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Planning Commission, the application for Planned Commercial Development Permit No. 2/Amendment 1 is hereby granted to "Owner/Permittee" in the form and with the terms and conditions as set forth in Planned Commercial Development Permit No. 2/Amendment 1, a copy of which is attached hereto and made a part hereof.

Charlotte L. Hunter

Charlotte L. Hunter, Secretary of the
Planning Commission

001371

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 2

CITY COUNCIL

City Council
May 8, 1975
ATTACHMENT 5

This planned commercial development permit is granted by the Council of The City of San Diego, to UNIVERSITY TOWN CENTER ASSOCIATES, a general partnership, Owner, hereafter referred to as "Permittee," for the purposes and under the terms and conditions as set out herein pursuant to the authority contained in Section 101.0910 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to construct and operate a planned commercial development, located at the southeast corner of Genesee Avenue and La Jolla Village Drive, including a portion of Public Lots 1302, 1303, 1307 and 1308, more particularly described in Appendix "A," attached hereto and made part hereof, in the R-1-5 (proposed CA) Zone.

2. The planned commercial development shall include and the term "Project" as used in this planned commercial development permit shall mean the total of the following facilities:

a. A town center with approximately 1.1 million square feet of gross floor area, consisting of the following:

(1) Commercial/retail - 650,000 square feet of floor area.

(2) Public, cultural, educational and recreational facilities - 150,000 square feet of floor area.

(3) Residential - 300,000 square feet of floor

area (approximately 300 living units).

ATTACHMENT

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b. Off-street parking consistent with the CA Zone or as approved by the Planning Commission.

c. Incidental uses as may be determined and approved by the Planning Director.

3. Prior to the issuance of any building permits, complete building plans with generalized uses (including signs) shall be submitted to the Planning Commission for approval. Said plans shall be consistent with the concept shown on Exhibit A, dated January 8, 1975, on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.

4. Prior to the issuance of any building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Commission for approval. Said plans shall be consistent with the concept shown on Exhibit A, dated January 8, 1975, on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.

5. Prior to the issuance of any building permits for the project, evidence shall be submitted to the Planning Commission indicating that schools will be available concurrent with the need.

6. Prior to the occupancy and opening of the commercial facility, the Planning Commission shall have reviewed the residential development and building permits shall have been issued for a minimum of 100 residential units. Implementing City Council Policy 600-19, these residential units shall be 20 to 25 percent single-family; 35 percent low-cost rental apartments comparable to University housing rates; and 42 to 45 percent townhouses, triplexes or four-plexes.

7. The detailed building plans for the 150,000 square feet of public, cultural, educational and recreational floor area should include the following uses: post office, library, community rooms, day care center, tot lot area, craft work shops, food market, ice rink, theatre(s), community service rooms, amusement arcade, medical information center and professional offices.

8. Prior to the issuance of any building permits, the property shall be zoned CA and a subdivision map recorded on the property, thereby effectuating the zoning. The Engineering and Development Department has indicated that tentative conditions of the subdivision map will be as follows:

a. Dedicate and improve La Jolla Village Drive as a prime arterial street with 102 feet of roadway, curb and sidewalk on

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the south side and landscape median within 122 feet of right-of-way from Genesee Avenue to Holden Drive.

b. La Jolla Village Drive easterly of proposed Holden Drive shall be dedicated and improved to the I-805 overpass with 64 feet of roadway within 84 feet of right-of-way, without curb or sidewalk.

c. Genesee Avenue shall be dedicated and improved as a prime arterial street with 102 feet of roadway, curb, and a 12-foot pedestrian-bikeway strip on the east side, and landscaped median within 128 feet of right-of-way from La Jolla Village Drive to Nobel Drive.

d. Holden Drive shall be dedicated and improved as a collector street with 64 feet of roadway within 84 feet of right-of-way from the southernmost residential development entrance to La Jolla Village Drive. Holden Drive shall be widened to 78 feet of roadway, with landscaped median, within 98 feet of right-of-way approaching La Jolla Village Drive. The portion of Holden Drive south of the residential development entrance shall be improved with 32 feet of roadway within 42 feet of right-of-way connecting to Nobel Drive.

e. Nobel Drive shall be dedicated and improved as a major street with 90 feet of roadway, including 6-foot bikeway on both sides with landscaped median within 110 feet of right-of-way from Genesee Avenue to the residential development entrance. The portion of Nobel Drive from the residential development

001375
entrance to a connection with Holden Drive shall be improved with 32 feet of roadway and 14 feet of landscaped median within 56 feet of right-of-way.

f. A 28-foot-wide fire access road shall be constructed along the southeasterly side of the commercial development, satisfactory to the City Engineer.

g. Pedestrian and bicycle ramps shall be constructed crossing over Genesee Avenue and La Jolla Village Drive at the intersection of two streets, satisfactory to the City Engineer.

h. Pedestrian ramp scrossing over Nobel Drive and the southerly portion of Genesee Avenue shall be constructed by a 1911 Act Assessment project initiated by the developer at request of the City Engineer, and the developer shall sign an agreement with The City of San Diego not to protest such a project.

i. The subdivider shall install complete traffic signals at his own expense at intersections of the main entrance street to the development with Genesee Avenue and with La Jolla Village Drive. Signalizations of public street intersections will be made and paid for by The City of San Diego as such demands are warranted in the future.

j. Construct 16-inch AC water mains in Nobel Drive, Holden Drive and La Jolla Village Drive, satisfactory to the City Engineer.

k. The entire development shall be sewered to the trunk sewer to be constructed offsite of the development, connecting

001376
to the Rose Canyon Interceptor sewer located southwesterly
of the subdivision.

1. Underground existing overheads in and adjacent to the subject property.

m. Payment of park fees shall be required for the proposed CA Zone in accordance with Section 102.0800 of the San Diego Municipal Code.

n. Submittal of a soils report and the performance of a geological reconnaissance for the site shall be required to substantiate the structural stability of the site.

9. This planned commercial development permit must be lized within 18 months after the effective date of the concurrent oning (Case No. 38-73-1). Failure to utilize subject permit hin 18 months will automatically void the same unless an extension time has been granted by the Planning Commission as set forth in tion 101.0910 of the Municipal Code.

10. All outdoor lighting shall be so shaded and adjusted that light therefrom is directed to fall only on the same premises re such light sources are located.

11. Construction and operation of the approved use shall comply all times with the regulations of this or other governmental ncies.

12. The effectiveness of this planned commercial development mit is expressly conditioned upon, and the same shall not become ective for any purpose unless and until the following events ll have occurred:

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a. Permittee shall have agreed to each and every condition hereof by having this planned commercial development permit signed within 90 days of the Council's decision. In no event shall this condition be construed to extend the time limitation set forth in paragraph 9 above; i.e., the time commences to run on the date the City Council granted this planned commercial development permit.

b. This planned commercial development permit executed as indicated shall have been recorded in the office of the County Recorder.

13. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, or City Council, or both, unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

14. The property included within this Planned Commercial development shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.

15. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of Permittee or its successors in interest, shall be deemed a material breach hereof and this permit may be cancelled or revoked. Cancellation or revocation of this permit may be instituted by the City or Permittee. The Planning Director

ll set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0910. appeal from the decision of the Planning Commission may be taken to the City Council within ten days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0910.

16. This planned commercial development permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

passed and adopted by the Council of The City of San Diego on May 8, 1975.

001379.

Pete Wilson
Mayor of The City of San Diego, California

Edward Nielsen
City Clerk of The City of San Diego, California

STATE OF CALIFORNIA)

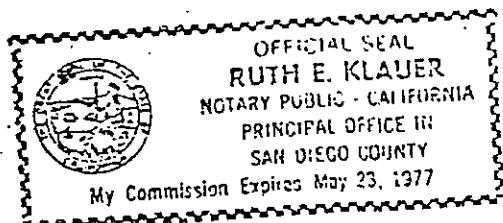
) ss

COUNTY OF SAN DIEGO)

On this 8th day of August, 19 75,
before me the undersigned, a Notary Public in and for said
County and State, residing therein, duly commissioned and
sworn, personally appeared PETE WILSON, known to me to be
the Mayor, and EDWARD NIELSEN, known to me to be the City
Clerk of The City of San Diego, the municipal corporation
that executed the within instrument and known to me to be the
persons who executed the within instrument on behalf of the
municipal corporation therein named, and acknowledged to me
that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
official seal, in the County of San Diego, State of California,
the day and year in this certificate first above written.

(Notary stamp)



Ruth E. Klauer
Notary Public in and for the County
of San Diego, State of California

The undersigned Permittee by execution hereof agrees to each and
every condition of this Planned Commercial Development Permit and
promises to perform each and every obligation of Permittee hereunder.

PENASQUITOS, INC.,
an Illinois Corporation

UNIVERSITY TOWN CENTER ASSOCIATES,
a general partnership

By Donald RobertsonBy Ernest W. Mann

ERNEST W. MANN, INC./General Partner

By James D. Dife

By _____

001380

Acknowledgment

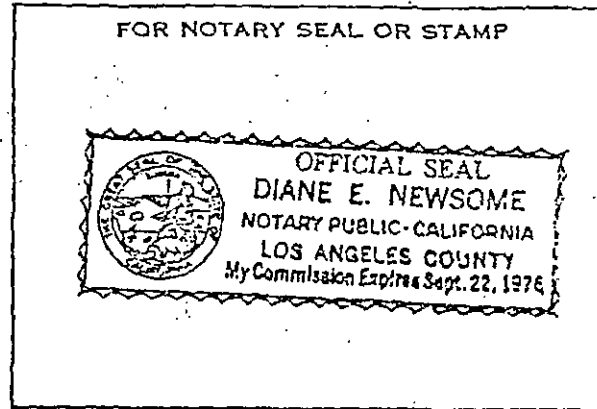
OF CALIFORNIA
 (OF Los Angeles) } SS.
 ly 22, 1975 before me, the undersigned,

Public in and for said County and State, personally
Ernest W. Hahn, known to me to
XXXXXXX Ch. Ex. Officer, known

~~XXXXXXXXXXXXXXXXXXXX~~
st W. Hahn, Inc., the corporation that
 the within instrument and known to me to be the persons
 uted the within instrument on behalf of said corporation,
 oration being known to me to be one of the partners of
ersity Town Center Associates, the
 p that executed the within instrument, and acknowledged
 at such corporation executed the same as such partner
 uch partnership executed the same.

Diane E. Newsome
 ne E. Newsome

Name (Typed or Printed)
 Notary Public in and for said County and State



oration)

OF CALIFORNIA
 TY OF SAN DIEGO } SS.

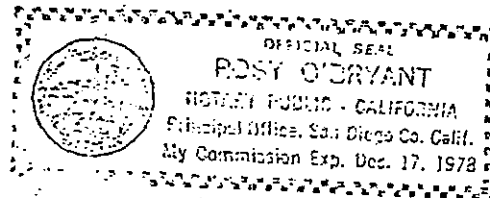
July 14, 1975 before me, the undersigned, a Notary Public in and for said
 personally appeared Donald Rochambeau
 to me to be the President, and Linda Rife

to me to be Secretary of the corporation that executed the within instrument,
 to me to be the persons who executed the within
 out on behalf of the corporation therein named, and
 ledged to me that such corporation executed the within
 ent pursuant to its by-laws or a resolution of its board
 ters.

SS my hand and official seal.

Rosy O'Bryant
 Rosy O'Bryant

Name (Typed or Printed)



LEGAL DESCRIPTION FOR:

UNIVERSITY TOWNE CENTER
AMENDED RE-ZONE

BY

BGS/eb

CHK'D.

DATE

5/30/75

SHEET

1 OF 1

001381

Being a portion of Pueblo Lots 1302, 1303, 1307 and 1308 according to Miscellaneous Map thereof No. 36, all in the City of San Diego, County of San Diego, State of California, more particularly described as follows:

Beginning at the Southeast corner of Collegiate Park Map No. 5006 on file in the Office of the Recorder of said County; thence along the North line of the South Half of said Pueblo Lot 1308 South 89°36'48" East 19.00 feet to a point on the centerline of Genesee Avenue; thence along said centerline South 0°50'27" West 894.20 feet to a point of intersection with the centerline of La Jolla Village Drive said point being the TRUE POINT OF BEGINNING; thence continuing along said centerline of Genesee Avenue South 0°50'27" West 1,230.93 feet to the beginning of a tangent 2,000.00 foot radius curve concave Easterly; thence Southerly along said curve through a central angle of 16°29'00" an arc distance of 575.38 feet; thence South 15°38'33" East 295.35 feet; thence leaving said centerline North 74°21'27" East 215.00 feet to the beginning of a tangent 1,000.00 foot radius curve concave Southerly; thence Easterly along said curve through a central angle of 61°00'00" an arc distance of 1,064.65 feet; thence South 44°38'33" East 480.00 feet to a point on the arc of a nontangent 1,000.00 foot radius curve concave Northwesterly a radial line to said point bears South 43°49'27" East; thence Northeasterly along said curve through a central angle of 25°32'23" an arc distance of 445.75 feet; thence tangent to said curve North 20°38'10" East 475.68 feet to the beginning of a tangent 1,500.00 foot radius curve concave Westerly; thence Northerly along said curve through a central angle of 29°41'10" an arc distance of 777.18 feet; thence North 9°03'00" West 400.77 feet to the beginning of a tangent 1,000.00 foot radius curve concave Easterly; thence Northerly along said curve through a central angle of 10°29'35" an arc distance of 183.14 feet; thence North 1°26'35" East 444.47 feet to the beginning of a tangent 2,000.00 foot radius curve concave Westerly; thence Northerly along said curve through a central angle of 7°56'45" an arc distance of 277.36 feet; thence North 6°30'10" West 262.00 feet to a point on the future centerline of La Jolla Village Drive; thence the following courses and distances along said future centerline; South 83°38'49" West for 406.67 feet to the beginning of a tangent 2,000.00 foot radius curve concave Southerly; thence Westerly along said curve through a central angle of 11°09'08" for an arc length of 389.29 feet; thence South 72°29'41" West 1,081.02 feet to the beginning of a tangent 2,000.00 foot radius curve concave Northwesterly; thence Southwesterly along said curve through a central angle of 03°41'07" for an arc length of 128.64 feet; thence South 76°10'48" West for 107.48 feet to the TRUE POINT OF BEGINNING.

Containing 118.72 acres.

CO. PAGE	COMPANY		DESCRIPTION	REVISIONS	
	ORDER NO.	DATE		BY	DATE
			Page 11 of 11		

UTC
A Westfield Shoppingtown
 4545 La Jolla Village Drive
 San Diego, California 92122-1212

MPDP SUBMITTAL

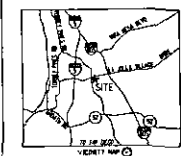
Westfield
 Westfield Design & Construction

10000 Village Station, 12th Floor
 Los Angeles, California 90025-1745
 Telephone: 310 475 4300
 Facsimile: 310 475 4300

RICK
 ENGINEERING

Prepared By:
 Rick Engineering & Construction
 10000 Village Station, 12th Floor
 Los Angeles, California 90025-1745
 Drawn By:
 Rick Engineering & Construction
 10000 Village Station, 12th Floor
 Los Angeles, California 90025-1745

FILE PATH:
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 DRAWN BY: J-1155A
 CHECKED BY:
 PLOT DATE: 24-MAR-2008
 TITLE:
 TOPOGRAPHIC
 SURVEY &
 EASEMENT
 VACATIONS
 DRAWING NO:
 C2.1



PREPARED BY:
 NAME: RICK ENGINEERING & CONSTRUCTION
 ADDRESS: 5520 FIARS ROAD
 SAN DIEGO, CALIFORNIA
 92110
 PHONE: 619.291.0707

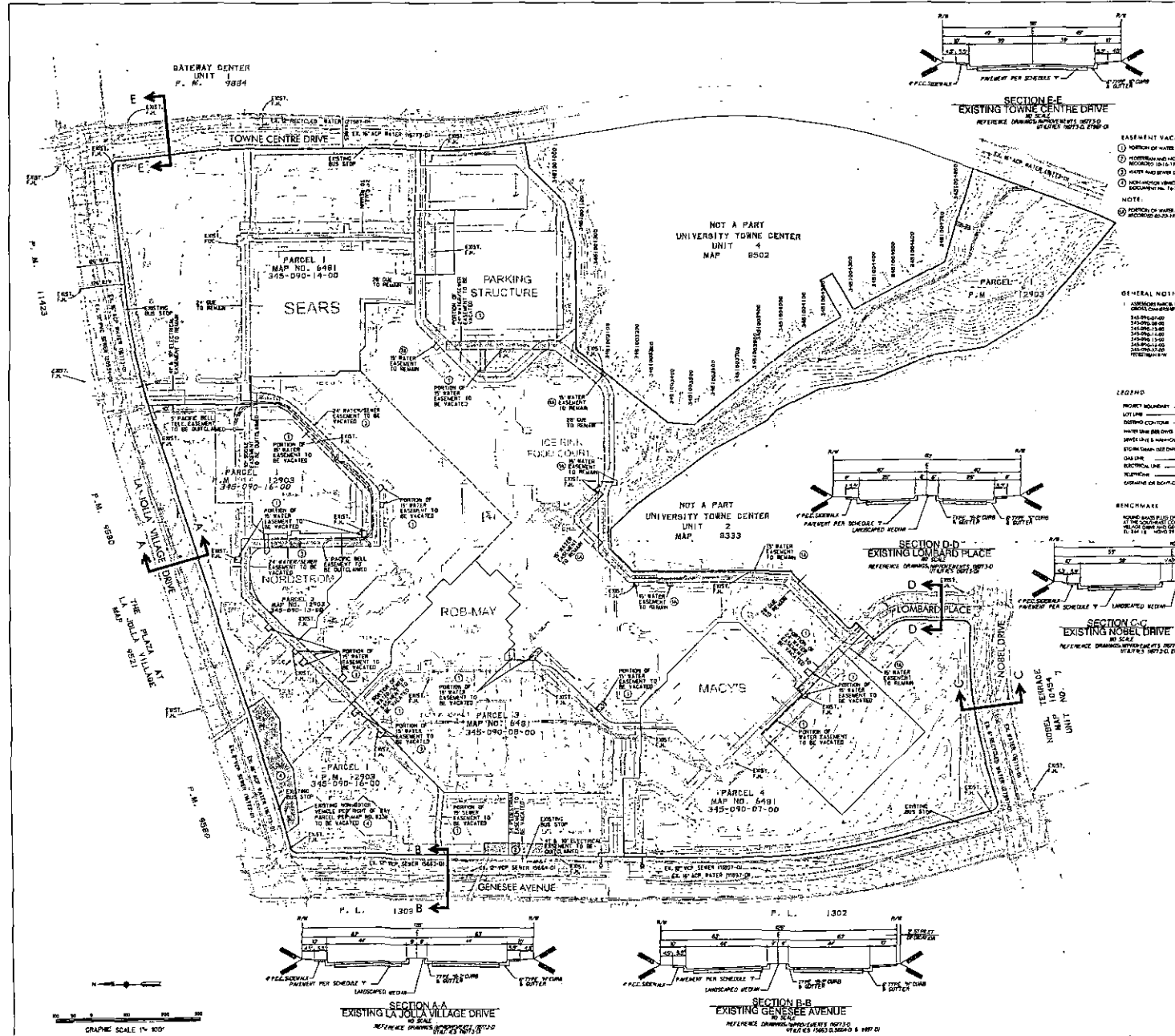
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 AND 2 OF PARCEL MAP 12903 AND
 PARCELS 1,3 AND 4 OF PARCEL
 MAP 6481 ALL IN THE CITY OF SAN
 DIEGO, STATE OF CALIFORNIA

REVISION 14:
 REVISION 13:
 REVISION 12:
 REVISION 11:
 REVISION 10:
 REVISION 9:
 REVISION 8:
 REVISION 7:
 REVISION 6:
 REVISION 5:
 REVISION 4:
 REVISION 3:
 REVISION 2:
 REVISION 1:
 DATE: NOVEMBER 5, 2007
 DATE: APRIL 11, 2007
 DATE: OCTOBER 18, 2006

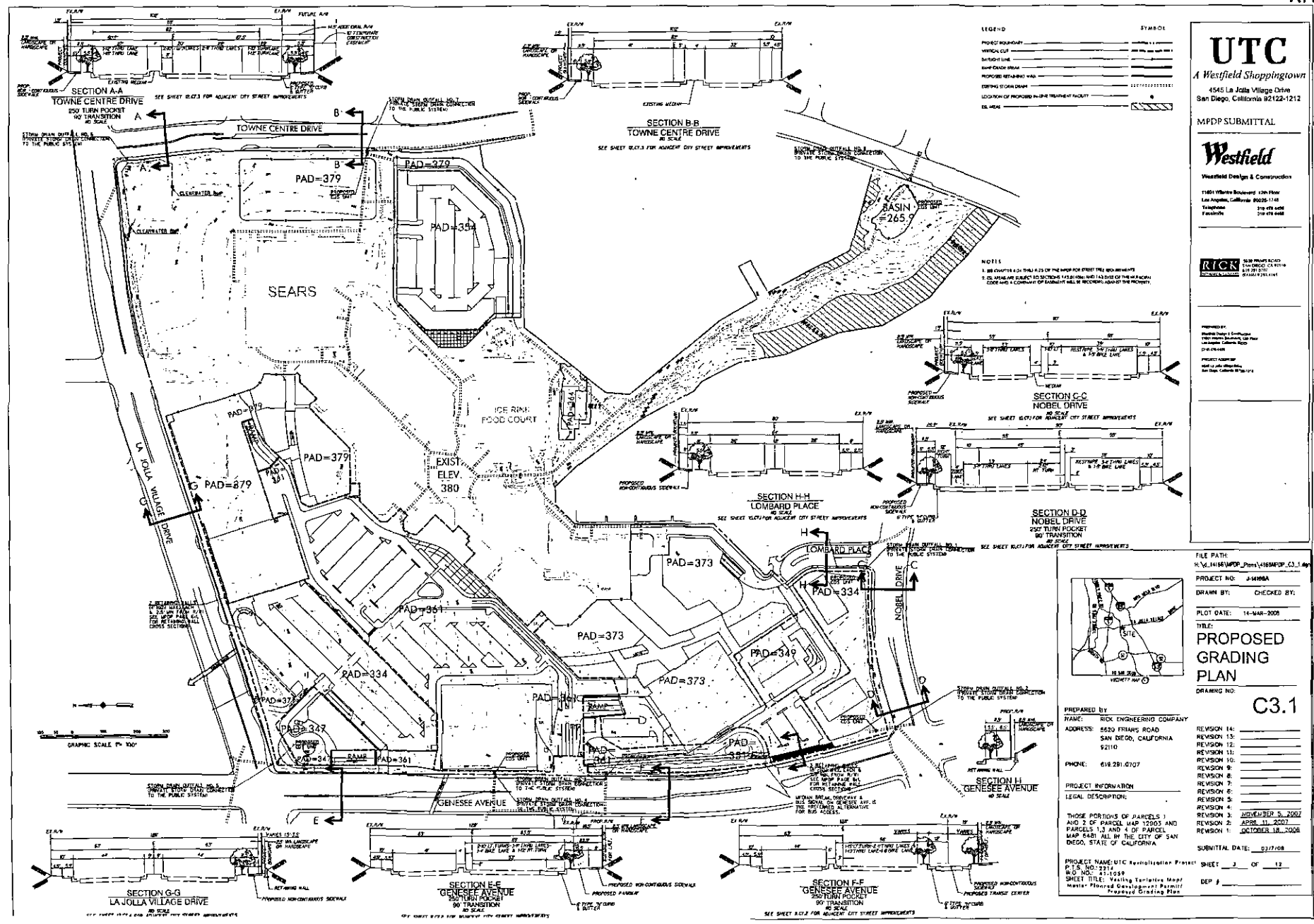
SUBMITTAL DATE: 02/17/08

PROJECT NAME: UTC SanDiegoProject
 P.L.S. NO: 22114
 W.D. NO: 41-1859
 SHEET TITLE: Vastling Topographic Map
 Major Planned Development Parcel
 Topographic Survey & Easement Vacations

SHEET 3 OF 13
 DEP #



SECTION E-E
 EXISTING TOWNE CENTRE DRIVE
 REFERENCE DRAWING: 1155A-001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 070, 071, 072, 073, 074, 075, 076, 077, 078, 079, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 090, 091, 092, 093, 094, 095, 096, 097, 098, 099, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 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UTC
 A Westfield Shoppingtown
 4545 La Jolla Village Drive
 San Diego, California 92122-1212

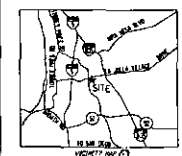
MPDP SUBMITTAL

Westfield
 Westfield Design & Construction
 11801 Wilshire Boulevard, 12th Floor
 Los Angeles, California 90025-1748
 Telephone: 310 478 4444
 Facsimile: 310 478 4444

RICK
 RICK ENGINEERING COMPANY
 616 281 0707

PREPARED BY:
 RICK ENGINEERING COMPANY
 616 281 0707
 PROJECT NO.: 03-1088
 SHEET NO.: 3 OF 12

FILE PATH:
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 PROJECT NO.: 03-1088
 DRAWN BY: CHECKED BY:
 PLOT DATE: 14-MAR-2003
 TITLE:
PROPOSED GRADING PLAN
 DRAWING NO.: C3.1



PREPARED BY:
 RICK ENGINEERING COMPANY
 ADDRESS: 6520 FRANKS ROAD
 SAN DIEGO, CALIFORNIA 92110
 PHONE: 616 281 0707
 PROJECT INFORMATION
 LEGAL DESCRIPTION:
 THOSE PORTIONS OF PARCELS 1 AND 2 OF PARCEL MAP 12003 AND PARCELS 1, 3 AND 4 OF PARCEL MAP 6481, ALL IN THE CITY OF SAN DIEGO, STATE OF CALIFORNIA
 SUBMITTAL DATE: 03/11/03
 PROJECT NAME: UTC Revitalization Project
 P.L.S. NO.: 2311
 M.D. NO.: 01-1088
 SHEET TITLE: Existing Topographic Map
 Master Plan Development Permit
 Proposed Grading Plan

REVISION 14:	
REVISION 13:	
REVISION 12:	
REVISION 11:	
REVISION 10:	
REVISION 9:	
REVISION 8:	
REVISION 7:	
REVISION 6:	
REVISION 5:	
REVISION 4:	
REVISION 3:	
REVISION 2:	
REVISION 1:	

UTC
A Westfield Shoppingtown
4545 La Jolla Village Drive
San Diego, California 92122-1212

MPDP SUBMITTAL

Westfield
Westfield Design & Construction
11401 Wilshire Boulevard, 12th Floor
Los Angeles, California 90025-1748
Telephone: 310 474-6666
Facsimile: 310 474-6668

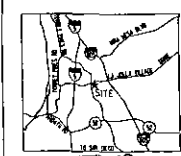
RICK
ENGINEERING COMPANY
14011 Wilshire Boulevard, Suite 100
Los Angeles, California 90025-1748
Telephone: 310 474-6666
Facsimile: 310 474-6668

Prepared by: Rick Engineering Company
Checked by: Rick Engineering Company
Date: 03/27/08
Project No.: 03-1089

NOTES
1. THE AREAS ARE SUBJECT TO SECTION 11.11.1 AND 11.11.2 OF THE ZONING CODE AND A CERTIFICATE OF SUBMITTAL MUST BE OBTAINED TO CURE THE VIOLATION.

LOT #	LAND USE	AREA (AC)	AREA (SQ. FT.)	GROUND AREA (AC)
1	COMMERCIAL RESIDENTIAL	0.89	348	0.89
2	COMMERCIAL RESIDENTIAL	0.14	348	0.14
3	COMMERCIAL RESIDENTIAL	0.27	348	0.27
4	COMMERCIAL RESIDENTIAL	4.25	335	4.25
5	SWAMP	0.23	335-348	0.23
6	COMMERCIAL RESIDENTIAL	1.25	335	1.25
7	COMMERCIAL RESIDENTIAL	1.15	335	1.15

LEGEND
PROJECT BOUNDARY
PROPOSED LOT LINE
TOWN CENTRE DRIVE
LA JOLLA VILLAGE DRIVE
LOMBARD PLACE
NOBEL DRIVE
GENESEE AVENUE



FILE PATH: H:\V\145\MPDP\145\145MPDP_C6.1.dwg
PROJECT NO.: 03-1089
DRAWN BY: CHECKED BY:
PLOT DATE: 14-MAR-2008
TITLE:
VESTING
TENTATIVE MAP
LOWER LEVEL 1

C6.1

PREPARED BY:
NAME: RICK ENGINEERING COMPANY
ADDRESS: 8620 FIRESIDE ROAD
SAN DIEGO, CALIFORNIA 92110
PHONE: 619.261.0707
PROJECT INFORMATION
LEGAL DESCRIPTION:
THOSE PORTIONS OF PARCELS 1 AND 2 OF PARCEL MAP 12503 AND PARCELS 1, 2 AND 4 OF PARCEL MAP 6481 ALL IN THE CITY OF SAN DIEGO, STATE OF CALIFORNIA
PROJECT NAME: UTC Revitalization Project
P.L.S. NO: 12514
W.D. NO: 41-1089
SHEET TITLE: Vesting Tentative Map
Master Planned Development Parcel
Master Planned Development Parcel

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REVISION 5: _____
REVISION 4: _____
REVISION 3: NOVEMBER 5, 2007
REVISION 2: APRIL 11, 2007
REVISION 1: OCTOBER 18, 2006
SUBMITTAL DATE: 03/27/08
SHEET 6 OF 13
DEP #



UTC*A Westfield Shoppingtown*4545 La Jolla Village Drive
San Diego, California 92122-1212

MPDP SUBMITTAL

Westfield

Westfield Design & Construction

11001 Wilshire Boulevard, 12th Floor
Los Angeles, California 90025-1700
Telephone 213 475 4400
Facsimile 213 475 4400**RICK** RICK ENGINEERING COMPANY
1001 PLYMOUTH ROAD
SAN DIEGO, CA 92108
PHONE 619 291 0707PREPARED BY:
Westfield Design & Construction
11001 Wilshire Boulevard, 12th Floor
Los Angeles, California 90025-1700
CDD: 000000PROJECT ADDRESS:
4545 La Jolla Village Drive
San Diego, California 92122-1212

LAND USE SUMMARY TABLE

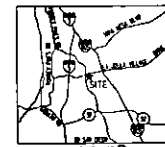
TYPE OF LAND USE	AREA (SQ. FT.)	PERCENTAGE OF TOTAL AREA (%)
COMMERCIAL, RESIDENTIAL	1,000,000	100
RECREATION	1,000,000	100
INDUSTRIAL, RESIDENTIAL, AGENCY	1,000,000	100

LEGEND

PROPOSED BOUNDARY

PROPOSED LOT AREA

SYMBOL

FILE PATH:
N:\A\1156\MPDP_Plan\1156MPDP_C6_4.dwg

PROJECT NO: J-1156

DRAWN BY: J. MERRA

CHECKED BY:

PLOT DATE: 05-MAR-2008

TITLE:
**VESTING
TENTATIVE MAP
LEVEL 2**DRAWING NO:
C6.4

PREPARED BY:

NAME: RICK ENGINEERING COMPANY

ADDRESS: 5620 FRANKS ROAD

SAN DIEGO, CALIFORNIA

92110

PHONE: 619 291 0707

PROJECT INFORMATION

LEGAL DESCRIPTION:

THOSE PORTIONS OF PARCELS 1

AND 2 OF PARCEL MAP 12903, AND

PARCELS 1.3 AND 4 OF PARCEL

MAP 1461, ALL IN THE CITY OF SAN

DIEGO, STATE OF CALIFORNIA

SUBMITTAL DATE: 03/17/08

PROJECT NAME: UTC Revitalization Project

P.L.S. NO: 127118

W.D. NO: 41-1099

SHEET TITLE: Vesting Tentative Map/

Major Planned Development Parcel/

V.L.M. Level 2

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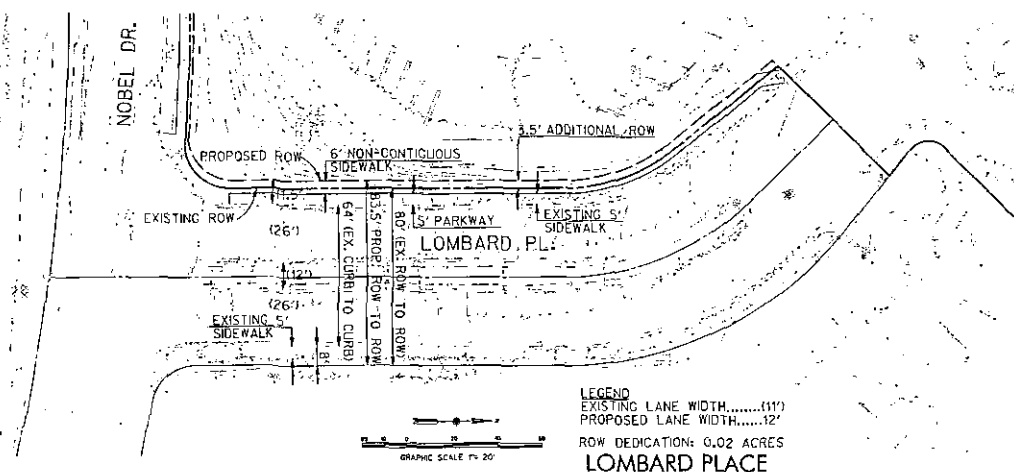
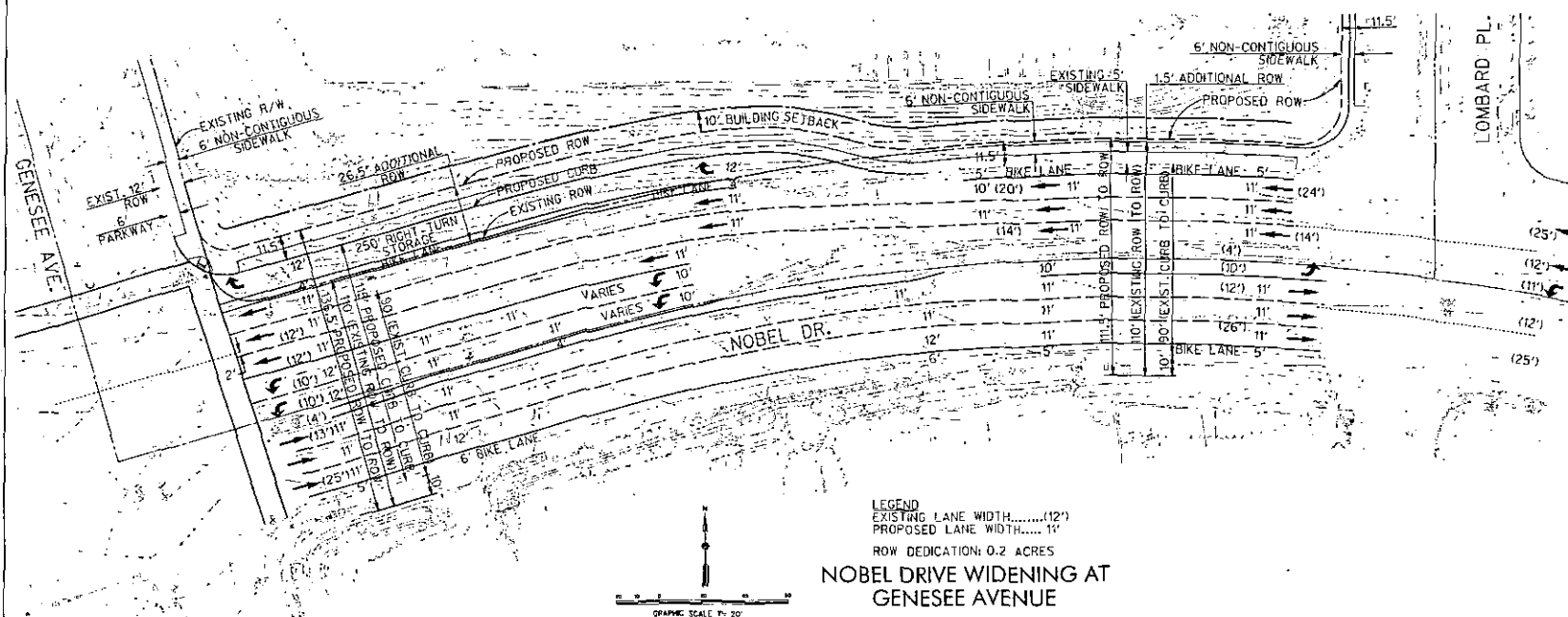
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UTC
A Westfield Shoppingtown
4545 La Jolla Village Drive
San Diego, California 92122-1212

MPDP SUBMITTAL

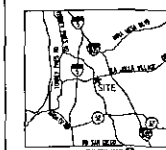
Westfield
Westfield Design & Construction

13801 Wilshire Boulevard, 17th Floor
Los Angeles, California 90049-1749
Telephone 310 459 4420
Facsimile 310 492 6466

RICK
RICKSON & ASSOCIATES
INCORPORATED
3675 WILSHIRE AVENUE
SUITE 2000
LOS ANGELES, CALIFORNIA 90010
TEL: 310 492 6466
FAX: 310 492 6466

MPDP#02-24
Responsible Engineer & Commissioner
Civil - Michael Davidson, MS, PE
Architect - William C. Brown
(201) 378-4499

REGISTERED ARCHITECT
6001 L L LANE - 5TH FLOOR
SAN JUAN CAPRI, P.R. 00983



FILE PATH: h:\c_14186\WPOP_Plan\14186WPOP_C7.1
PROJECT NO: J-14186A
DRAWN BY: CHECKED BY:
PLOT DATE: 12-MAR-2008
T.D.F.

ADJACENT CITY
STREET PLANS

DRAWING NO: C7.1

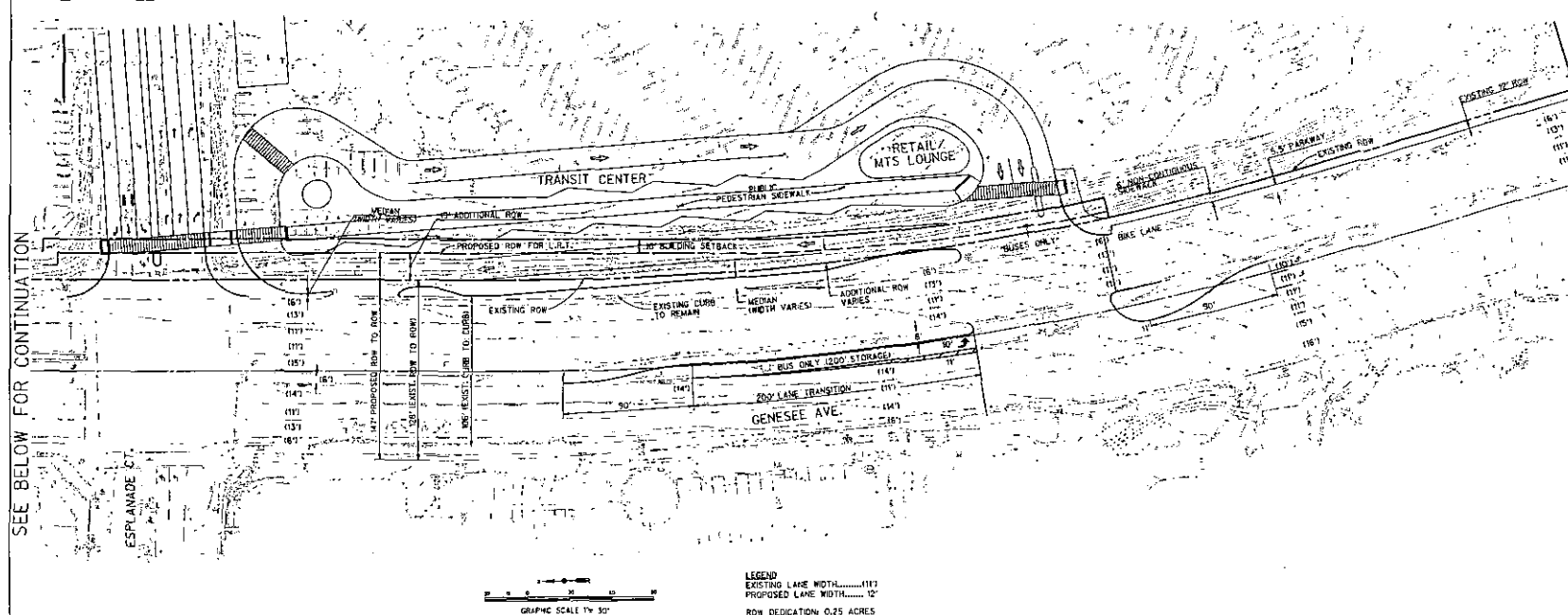
PREPARED BY:
 NAME: RICK ENGINEERING COMPANY
 ADDRESS: 5620 FIERS ROAD
 SAN DIEGO, CALIFORNIA
 92110
 PHONE: 619.291.0707

PROJECT INFORMATION
 LEGAL DESCRIPTION:
 THOSE PORTIONS OF PARCELS 1
 AND 2 OF PARCEL MAP 12903 AND
 PARCELS 1,3 AND 4 OF PARCEL
 MAP 6481 ALL IN THE CITY OF SAN
 DIEGO, STATE OF CALIFORNIA

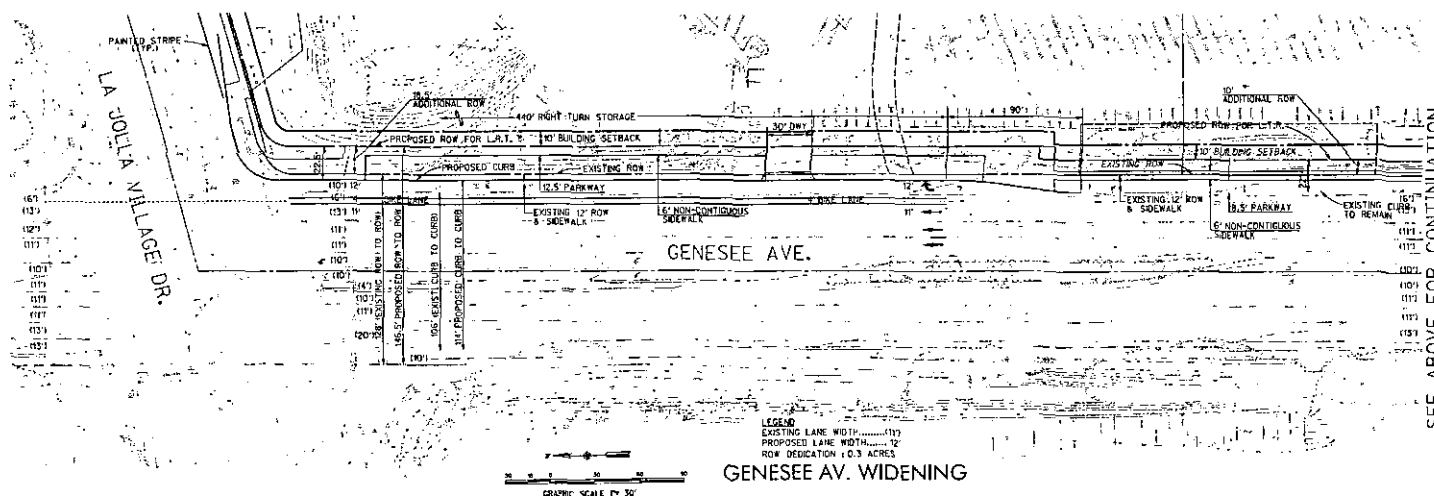
PROJECT NAME: UTC Reutilization Pro
 P.T.S. NO: 2214
 W.C. NO: 1055
 SHEET TITLE: Vesting Temecula Mop
 Name: Planned Development Permis
 and Public Improvements

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 REVISION 3: _____ NOVEMBER 5, 2007
 REVISION 2: _____ APRIL 11, 2007
 REVISION 1: _____ OCTOBER 18, 2006

 SUBMITTAL DATE: _____ 03/07/08
 Project SHEET 10 OF 13
 DEP # _____



GENESEE AVENUE WIDENING



GENESEE AV. WIDENING

UTC

Westfield Shoppingtown
4545 La Jolla Village Drive
San Diego, California 92122-1212

MPDP SUBMITTAL

Westfield

Westfield Design & Construction

1525 Wilshire Boulevard, 15th Floor
Los Angeles, California 90057-1105
Telephone: 310 475 6000
Facsimile: 310 475 6000

RICK

3401 La Jolla Village Drive
San Diego, California 92161-1212

PREPARED BY:
Westfield Design & Construction
1525 Wilshire Boulevard, 15th Floor
Los Angeles, California 90057-1105
Date: 10/18/2008

PROJECT APPROVAL:
4545 La Jolla Village Drive
San Diego, California 92161-1212

FILE PATH:
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PROJECT NO: J-14780A

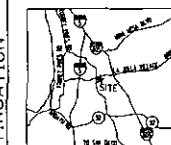
DRAWN BY: CHECKED BY:

PLOT DATE: 10-14-2008

TITLE:

**ADJACENT CITY
STREET PLANS**

DRAWING NO:

C7.2

PREPARED BY:
NAME: RICK ENGINEERING COMPANY
ADDRESS: 5620 FRIARS ROAD
SAN DIEGO, CALIFORNIA
92110
PHONE: 619.291.0707

PROJECT INFORMATION
LEGAL DESCRIPTION:

THOSE PORTIONS OF PARCELS 1
AND 2 OF PARCEL MAP 12903 AND
PARCELS 1, 2 AND 4 OF PARCEL
MAP 6481 ALL IN THE CITY OF SAN
DIEGO, STATE OF CALIFORNIA

PROJECT NAME: UTC Regeneration Project
P.L.S. NO. 72.1-A
W.D. NO. 21,195
SHEET TITLE: Vesting Tentative Map/
Master Planned Development Permit
Proposed Public Improvements

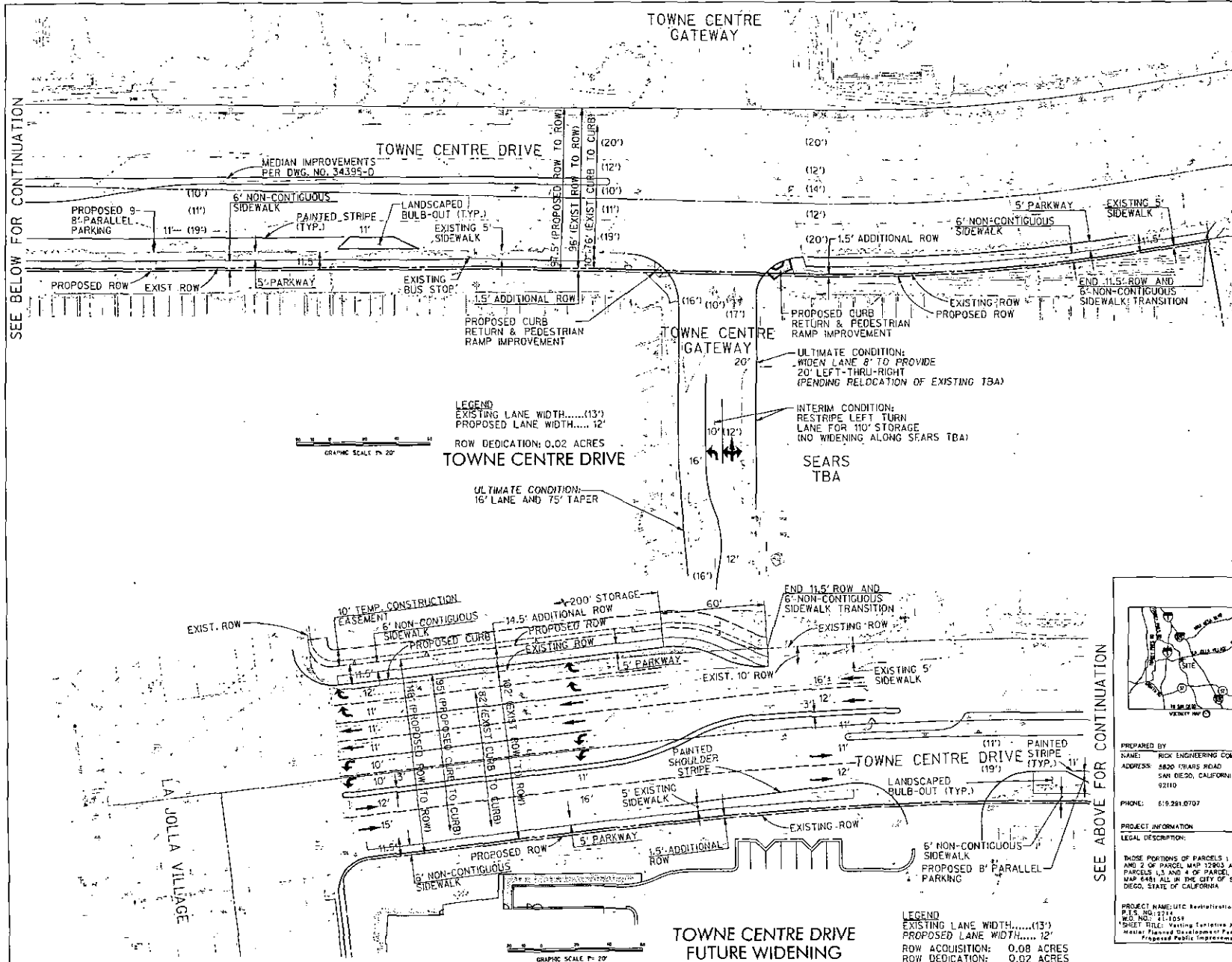
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REVISION 4: NOVEMBER 5, 2007
REVISION 3: APRIL 11, 2007
REVISION 2: _____
REVISION 1: OCTOBER 18, 2006

SUBMITTAL DATE: 6/17/08

SHEET: 11 OF 13

DEP # _____

SEE BELOW FOR CONTINUATION



SEE ABOVE FOR CONTINUATION

UTC

A Westfield Shoppingtown
 4545 La Jolla Village Drive
 San Diego, California 92122-1212

MPDP SUBMITTAL

Westfield

Westfield Design & Construction

11801 Wilshire Boulevard, 12th Floor
 Los Angeles, California 90025-1180
 Telephone: 310 475-0000
 Facsimile: 310 475-0000

RICK

RICK ENGINEERING COMPANY

APPROVED BY:
 Rick Engineering Company
 11801 Wilshire Boulevard, 12th Floor
 Los Angeles, California 90025-1180
 310 475-0000

PROJECT NUMBER:
 001393-001
 001393-001

FILE PATH:
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PROJECT NO: J-HBBA

DRAWN BY: CHECKED BY:

PLOT DATE: 12-MAR-2008

TITLE:

ADJACENT CITY
 STREET PLANS

DRAWING NO:

C7.3

PREPARED BY:
 NAME: RICK ENGINEERING COMPANY
 ADDRESS: 5800 HWY 94 ROAD
 SAN DIEGO, CALIFORNIA
 92110

PHONE: 619.281.0707

PROJECT INFORMATION

LEGAL DESCRIPTION:

THOSE PORTIONS OF PARCELS 1

AND 2 OF PARCEL MAP 12903 AND

PARCELS 13 AND 4 OF PARCEL

MAP 1481 ALL IN THE CITY OF SAN

DIEGO, STATE OF CALIFORNIA

SUBMITTAL DATE: 03/1/08

SHEET 12 OF 13

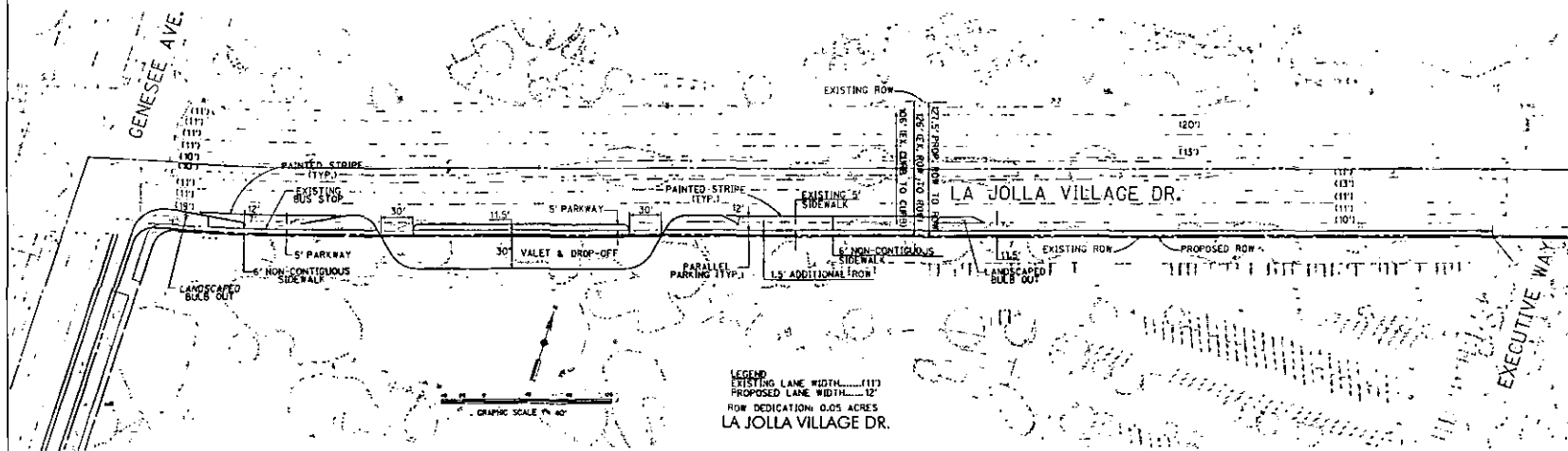
DEF 8

UTC
 A Westfield Shoppingtown
 4545 La Jolla Village Drive
 San Diego, California 92122-1212

MPDP SUBMITTAL

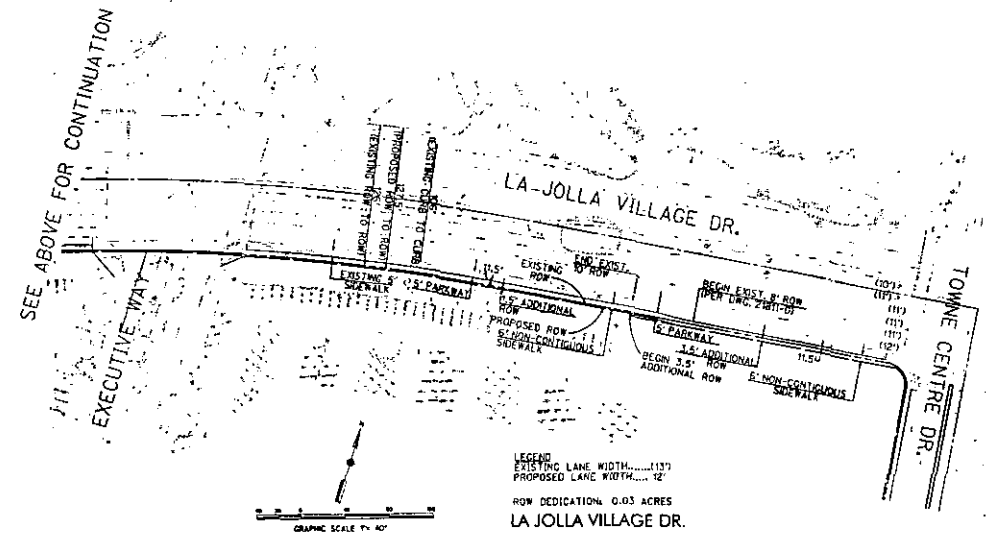
Westfield
 Westfield Design & Construction
 10000 Miramar Boulevard, 17th Floor
 San Diego, California 92126-1748
 Telephone: 312-478-4400
 Fax: 312-478-4401

RICK
 RICK ENGINEERING COMPANY
 5620 Friars Road
 San Diego, California 92110
 Phone: 619-281-0707
 Fax: 619-281-0707



SEE BELOW FOR CONTINUATION

SEE ABOVE FOR CONTINUATION



FILE PATH: N:\S:\1188\MPDP_Plan\415MPDP_C7.dwg
 PROJECT NO. 415MBA
 DRAWN BY: CHECKED BY:
 PLOT DATE: 12-MAR-2008
 TITLE:

ADJACENT CITY STREET PLANS
 DRAWING NO. C7.4

PREPARED BY:
 NAME: RICK ENGINEERING COMPANY
 ADDRESS: 5620 Friars Road
 SAN DIEGO, CALIFORNIA 92110
 PHONE: 619-281-0707

PROJECT INFORMATION
 LEGAL DESCRIPTION:
 THOSE PORTIONS OF PARCELS 1 AND 2 OF PARCEL MAP 12903 AND PARCELS 1, 3 AND 4 OF PARCEL MAP 1481 ALL IN THE CITY OF SAN DIEGO, STATE OF CALIFORNIA

REVISION 14:
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 REVISION 4: NOVEMBER 3, 2007
 REVISION 3: APRIL 11, 2007
 REVISION 1: OCTOBER 18, 2006

PROJECT NAME: UTC Revitalization Project
 P.L.S. NO: 12114
 W.D. NO: 41-1849
 SHEET TITLE: Yeading Tentative Map/
 Master Planned Development Permit/
 Proposed Public Improvements

SUBMITTAL DATE: 03/17/08
 SHEET 13 OF 13
 DEP #

001395

CITY COUNCIL RESOLUTION NO. XXXXX
VESTING TENTATIVE MAP NO. 293788
UNIVERSITY TOWN CENTER - **PROJECT NO. 2214**
DRAFT

WHEREAS, WESTFIELD CORPORATION, INCORPORATED, Applicant/Subdivider, and RICK ENGINEERING COMPANY, Engineer, submitted an application with the City of San Diego for a Vesting Tentative Map, No. 293788 with the summary vacations of right of way and utility easements, for the subdivision and phased redevelopment and renovation the existing 1,061,400-square-foot Westfield University Towne Center (UTC) regional shopping center with the expansion of retail uses by 610,000 to 750,000 square feet of new retail and the development of 250 to 725 multi-family residential units. The project site is located south of La Jolla Village Drive, west of Towne Center Drive, east of Genesee Avenue, and north of Nobel Drive. legally described as those portions of Parcels 1 and 2 of Parcel Map 12903 and Parcels 1, 3, and 4 of Parcel Map 6481 all in the City of San Diego, County of San Diego, State of California, in the CR-1-1, Community Plan Implementation Overlay Area "A," Airport Environs Overlay, and Airport Influence Area zones of the University Community Plan; and

WHEREAS, the Map proposes the subdivision of a 75.86-acre site into thirty-six (36) lots for commercial development and a maximum 725 unit residential condominiums; and

WHEREAS, Environmental Impact Report No. 2214 was prepared in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The maximum total number of residential condominium dwelling units is 725; and

WHEREAS, on XXXXX, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 293788 with the summary vacation of easements, and pursuant to Resolution No. XXXX-PC voted to recommend City Council approval/denial of the map; and

WHEREAS, on XXXXXXXX, the City Council of the City of San Diego considered Vesting Tentative Map No. 293788, with the summary vacations of right of way and utility easements, and pursuant to Sections 125.0440 and 125.0430 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the City Council having

fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 293788 with the summary vacations of right of way and utility easements:

A. FINDINGS FOR VESTING TENTATIVE MAP APPROVAL

1. Lots 21, 22, 25, 26 and 33 of this subdivision are condominium projects as defined in section 1350 et. seq. of the civil code of the state of California and are filed pursuant to the subdivision map act. Lot 21 has a maximum 350 residential condominium units, lot 22 has a maximum 350 residential condominium units, lot 25 has a maximum 400 residential condominium units, lot 26 has a maximum 400 residential condominium units, and lot 33 has a maximum 725 residential condominium units. The number of residential units is 725; the maximum number of residential condominium units is 725.
2. The subdivider shall be required to underground any new service run to the proposed structures within the subdivision.
3. The design of the proposed, privately-owned underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of Municipal Code Section 144.0240 and Council Policy No. 600 25-Underground Conversion of Utility Lines at Developers Expense.
4. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code Section 125.0440.a and State Map Action Sections 66473.5, 66474(a), and 66474(b)).
5. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
6. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State Map Act Sections 66474(c) and 66474(d)).
7. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).

8. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).
9. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (Land Development Code Section 125.0440.f and State Map Act Section 66474(g)).
10. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code Section 125.0440.g and State Map Act Section 66473.1).
11. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
12. The property contains a right-of-way and easements which must be vacated summarily and/or pursuant to the Map Act to implement the Final Map in accordance with San Diego Municipal Code 125.0430.
13. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

B. FINDINGS FOR SUMMARY PUBLIC RIGHT OF WAY VACATION APPROVAL

1. There is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated; and
2. The public will benefit from the action through improved use of the land made available by the vacation; and
3. The vacation does not adversely affect any applicable land use plan or; and
4. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

C. FINDINGS FOR SUMMARY EASEMENT VACATION APPROVAL

1. There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated; and

2. The public will benefit from the action through improved utilization of the land made available by the abandonment; and
3. The vacation is consistent with any applicable land use plan; and
4. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), the following public service easements and rights-of-way located within the project boundaries as shown in VESTING TENTATIVE MAP NO. 293788, shall be vacated, contingent upon the recordation of the approved final maps for the project:

- a. Portion of Water and Sewer Easement, Document No. 84-066025, recorded February 23, 1984;
- b. Water and Sewer Easement, Document No. 83-331443, recorded September 16, 1983;
- c. Pedestrian and Non-motor Vehicular Easement, Document No. 1990-0562801, recorded October 16, 1990; and
- d. Non-motor Vehicular and Pedestrian Right of Way dedicated per Map No. 8332, Document No. 76-215704, recorded July 9, 1976.

[Approved] BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained/overruled, and INSERT: Vesting Tentative Map No. 293788 is granted to Westfield Corporation, Incorporated, subject to the conditions attached hereto and made a part hereof. OR [Denied] BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained/overruled, and Vesting Tentative Map No. 293788 is denied.

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 293788 with the summary vacations of right of way and utility easements, is hereby granted to WESTFIELD CORPORATION, INCORPORATED, Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Vesting Tentative Map will expire [INSERT DATE - 3 YEARS FROM DECISION DATE].

2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the issuance of any Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition
4. The Final Maps shall conform to the provisions of Site Development Permit No. 293783 and Master Planned Development Permit No. 4103
5. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.
6. Special financing plans have been established to finance the public facilities required for the University Community Plan area. Prior to issuance of any final map, the subdivider shall comply with the provisions of the financing plan, in effect for this community plan area, in a manner satisfactory to the City Engineer. The compliance shall be achieved by either entering into an agreement for the payment of the assessment, paying a Facilities Benefit Assessment (FBA), or other means as may be established and adopted by the City. Payments will be at the assessment rate in effect when construction permits are issued.
7. Prior to recordation of any Final Map, the subdivider shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration (FAA).

AFFORDABLE HOUSING

8. Prior to the recordation of the first final map within the Westfield UTC Master Planned Development, the Owner/Permittee shall enter into a Master Affordable Housing Agreement, secured by a deed of trust, with the San Diego Housing Commission to assure that ten percent of the total residential units to be constructed (estimated to not exceed 73 residential units) will be constructed and occupied as Affordable Housing Units, in accordance with the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). The Agreement shall provide for the location, mix, and architectural nature of the Affordable Housing Units on each affordable housing site.

ENGINEERING

9. The subdivider shall underground any new service run to any new or proposed structures within the subdivision.
10. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
11. The subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
12. Prior to the issuance of any construction permit, the subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
13. Prior to the issuance of any construction permit the subdivider shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.
14. The drainage system proposed for this subdivision, as shown on the approved vesting tentative map, is private and subject to approval by the City Engineer.
15. This subdivision is in a community plan area designated in the General Plan as "Planned Urbanizing." As such, special financing plans have been, or will be, established to finance the public facilities required for the community plan area. Therefore, in connection with Council approval of the final map, the subdivider shall comply with the provisions of the financing plan then in effect for this community plan area, in a manner satisfactory to the Development Services Manager. This compliance shall be achieved by entering into an agreement for the payment of the assessment, paying a Facilities Benefit Assessment (FBA) or such other means as may have been established by the City Council.

16. Prior to the issuance of any construction permit for grading, a geotechnical investigation report shall be required that specifically addresses the proposed grading plans and cites the City's Job Order No. and Drawing No.. The geotechnical investigation shall provide specific geotechnical grading recommendations and include geotechnical maps, using the grading plan as a base, that depict recommended location of subdrains, location of outlet headwalls, anticipated removal depth, anticipated over-excavation depth, and limits of remedial grading.
17. The subdivider shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
18. The subdivider has reserved the right to record multiple final maps over the area shown on the approved vesting tentative map. In accordance with Article 66456.1 of the Subdivision Map Act, the City Engineer shall retain the authority to review the areas of the vesting tentative map the subdivider is including in each final map. The City Engineer may impose reasonable conditions relating to the filing of multiple final maps, in order to provide for orderly development, such as off-site public improvements, that shall become requirements of final map approval for a particular unit.
19. The subdivider shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.
20. The subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
21. The subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
22. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

23. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
24. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
25. All Final Maps shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

SEWER AND WATER

26. Prior to the issuance of any construction permits, the Subdivider shall assure, by permit and bond, the design and construction of new water service(s) as needed, and the removal of all existing unused services, within the rights-of-way adjacent to the project site and within the remaining water easements, in a manner satisfactory to the Water Department Director and the City Engineer.
27. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.

28. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.
29. The Subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities as shown on the approved vesting tentative map shall be modified at final engineering to comply with standards.
30. The Subdivider shall provide CC&Rs, satisfactory to the Water Department Director, for the operation and maintenance of all private water facilities that serve or traverse more than a single dwelling, commercial unit or common area or lot, which must also include water conservation measures.
31. Prior to the issuance of any construction permits, the subdivider shall have an executed agreement which addresses the requirements to off-set the potable water demand of the project, above the existing water use as indicated in the Water Supply Assessment, with the use of recycled water in a manner satisfactory to the Water Department Director and the City Engineer.
32. The Subdivider shall assure, by permit and bond, the design and construction of all necessary recycled water facilities to be used for all irrigation needs of the project, in a manner satisfactory to the Water Department Director and the City Engineer.
33. The Subdivider agrees to design and construct all proposed and rebuilt/renovated buildings to utilize water conservation measures in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, specifically designed to meet the requirements for acquiring 3 points under LEED-ND Credit 3: Reduced Water Use, namely Option 1 (Indoor, Category 1) and Option 2 (Outdoor), and standards and practices pertaining thereto.
34. The Subdivider agrees to provide a semi-annual water report. The report shall be prepared by an independent third party, subject to the approval by the City, to account for the project's potable water beginning from the issuance of the first building permit to a period of three (3) years beyond the project's completion and acceptance, in a manner satisfactory to the Water Department Director and the City Engineer.
35. All onsite sewer facilities shall be private.

36. The developer shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved Tentative Map will require modification based on the accepted sewer study.
37. The developer shall abandon or privatize the existing onsite public sewer mains in this site or they will be converted to private, satisfactory to the Metropolitan Wastewater Department Director. All associated public sewer easements shall be vacated, satisfactory to the Metropolitan Wastewater Department Director.
38. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of private sewer facilities that serve more than one ownership.
39. The developer shall design and construct all proposed private sewer facilities serving more than one lot to the most current edition of the City of San Diego's Sewer Design Guide.
40. The developer shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

GEOLOGY

41. Prior to the issuance of a grading permit, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports."

TRANSPORTATION

42. Prior to recordation of the first final map or any construction permit in the La Jolla Terrace district area, the subdivider shall enter into a bonded Deferred Improvement Agreement for construction of a pedestrian bridge across La Jolla Village Drive west of Town Center drive to the satisfaction of the CPCI Facilities Financing and the City Engineer.
43. Prior to the issuance of the final map, the subdivider shall provide an Irrevocable Offer of Dedication for 14.4 feet. With the construction of the light rail transit station, Genesee Avenue south of La Jolla Village Drive will be improved to 128.4 feet, curb to curb within a 149.9-foot right-of-way including full-height curb, gutter, and a minimum 6-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance on the east side of Genesee Avenue, satisfactory to the City Engineer.

44. Prior to the issuance of the final map, the subdivider shall dedicate and improve Genesee Avenue south of La Jolla Village Drive to provide 114 feet, curb to curb within a 135.5-foot right-of-way and shall construct full-height curb, gutter, and a minimum 6-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance on the east side of Genesee Avenue, satisfactory to the City Engineer.
45. Prior to the issuance of the final map, the subdivider shall dedicate and improve Genesee Avenue north of Esplanade Court to provide 118.4 feet, curb to curb within a 135.4-foot right-of-way and shall construct full-height curb, gutter, and a minimum 6-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance on the east side of Genesee Avenue, satisfactory to the City Engineer.
46. Prior to the issuance of the final map, the subdivider shall dedicate and improve Genesee Avenue south of Esplanade Court to provide 116 feet, curb to curb within a 133-foot right-of-way and shall construct full-height curb, gutter, and a minimum 6-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance on the east side of Genesee Avenue, satisfactory to the City Engineer.
47. Prior to the issuance of the final map, the subdivider shall dedicate and improve Lombard Place to provide 64 feet, curb to curb within an 83.5-foot right-of-way and construct a *minimum 6-foot non-contiguous sidewalk within a 11.5-foot curb* to property line distance on the west side of Lombard Street, satisfactory to the City Engineer.
48. Prior to the issuance of the final map, the subdivider shall dedicate and improve Nobel Drive east of Genesee Avenue to provide 118 feet, curb to curb within a 139.5-foot right-of-way and construct full-height curb, gutter, and a minimum 6-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance on the north side of Nobel Drive, satisfactory to the City Engineer.
49. Prior to the issuance of the final map, the subdivider shall dedicate and improve Nobel Drive west of Lombard Street to provide 90 feet, curb to curb within a 111.5-foot right-of-way and construct full-height curb, gutter, and a minimum 6-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance on the north side of Nobel Drive, satisfactory to the City Engineer.
50. Prior to the issuance of the final map, the subdivider shall dedicate and improve La Jolla Village Drive between Genesee Avenue and Towne Centre Drive to provide 106 feet, curb to curb within a 127.5-foot right-of-way and construct a minimum 6-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance on the south side of La Jolla Village Drive, satisfactory to the City Engineer.
51. Prior to the issuance of the final map, the subdivider shall dedicate and improve Towne Centre Drive south of La Jolla Village Drive to provide 95 feet, curb to

curb within a 118-foot right-of-way and construct full-height curb, gutter, and a minimum 6-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance on the south side of La Jolla Village Drive, satisfactory to the City Engineer.

52. Prior to the issuance of the final map, the subdivider shall dedicate and improve Towne Centre Drive north of Towne Centre Gateway to provide 82 feet, curb to curb within a 103.5-foot right-of-way and construct full-height curb, gutter, and a minimum 6-foot non-contiguous sidewalk within a 11.5-foot curb to property line distance on the south side of La Jolla Village Drive, satisfactory to the City Engineer.

SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG)

53. Prior to the issuance of any final map within the University Central, Palm Passage, or Nobel Heights areas, the subdivider shall obtain approval of project plans from SANDAG and Metropolitan Transit System (MTS) for the bus transit center. Plans shall identify the right-of-way required for the bus transit center and shall reserve this land for such use through an easement or irrevocable offer to dedicate to the satisfaction of SANDAG, MTS, and the City Engineer.

54. Prior to the issuance of any final map within the University Central, Palm Passage, or Nobel Heights areas, the subdivider shall obtain approval of project plans from SANDAG and Metropolitan Transit System (MTS) for the Mid-Coast Light Rail project. Plans shall identify the right-of-way required for the Mid-Coast Light Rail project and shall reserve this land for such use through an easement or irrevocable offer to dedicate to the satisfaction of SANDAG and MTS. Identified right-of-way shall accommodate both a project alignment running in the center of Genesee Avenue and a side running alignment along the east side of the street. The required right-of-way width dedication would vary dependent on the guideway alternative selected as the locally preferred alternative. If a median alignment is selected, the necessary street modifications and wider median are to be built by the subdivider to accommodate the future light rail track guideway and station footprint to the satisfaction of SANDAG, MTS, and the City Engineer.

PARKS AND OPEN SPACE

55. Prior to the issuance of any final map with any residential unit development, the subdivider shall obtain approval of any population-based park from the Park and Recreation Department and through the public input process as stated in City of San Diego Council Policy 600-33, Community Notification and Input for City-Wide Park Development Projects. The subdivider shall provide the required information, plans, and exhibits for any recreation areas to be considered for

meeting the City's population-based park requirements to the satisfaction of the Parks and Recreation Director.

INFORMATION:

- The approval of this Vesting Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal *Endangered Species Act* of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, ON XXXXXX, XX, 2008.

APPROVED: NAME, City Attorney

By _____
NAME
Deputy City Attorney

Project No. 2214
TM No. 293788
INSERT APPROVAL DATE

001408

ATTY/SEC. INITIALS

DATE

R- INSERT

Reviewed by T. Daly

Job Order No. 41-1059

Rev 04/13/07 rh

001409

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 41-1059

MASTER PLANNED DEVELOPMENT PERMIT NO. 4103
SITE DEVELOPMENT PERMIT NO. 293783
UNIVERSITY TOWNE CENTER (MMRP)
Amendment to Planned Commercial Development Permit No. 83-0117
City Council

This Master Planned Development Permit (MPDP) No. 4103 and Site Development Permit (SDP) No. 293783, an amendment to Planned Commercial Development (PCD) Permit No. 83-0117 is granted by the City Council of the City of San Diego to University Towne Center Venture L.L.C., a Delaware Limited Liability Company; Nordstrom Incorporated, a Washington Corporation; Sears and Roebuck and Company, a New York Corporation; CMF University Towne Center South, L.L.C., a Delaware Limited Liability Company; and CMF University Towne Center North, L.L.C., a Delaware Limited Liability Company, Owners, and Westfield Corporation, Incorporated, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0501 and 126.0601. The 75.86-acre site is located south of La Jolla Village Drive, west of Towne Center Drive, east of Genesee Avenue, and north of Nobel Drive in the CR-1-1, CC-1-3, RS-1-14, Community Plan Implementation Overlay Area "A," Airport Environs Overlay, and Airport Influence Area zones of the University Community Plan. The project site is legally described as those portions of Parcels 1 and 2 of Parcel Map 12903 and Parcels 1, 3, and 4 of Parcel Map 6481 all in the City of San Diego, County of San Diego, State of California.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners and Permittee for the phased redevelopment and renovation of the existing Westfield University Towne Center (UTC) regional shopping center, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"], Master Planned Development Permit and Design Guidelines for Westfield UTC, and the University Towne Center Revitalization plans, dated XXXXXX, on file in the Office of the Development Services Department.

001410

The project shall include:

- a. The redevelopment and renovation of the existing 1,061,400-square-foot Westfield University Towne Center (UTC) regional shopping center. The proposed project would be the renovation and expansion of retail uses by 610,000 to 750,000 square feet for a maximum total of 1,811,400 square feet of new retail, and the development of 250 to 725 multi-family residential units. The land use scenarios in the MPDP would be restricted to a mixture of retail and an option for residential uses that would not exceed 17,800 cumulative Average Daily Trips (ADTs) and 256 in-bound AM peak hour/778 out-bound PM peak hour trips. On-site parking facilities and local region transportation improvements; the relocation and expansion of the transit center for bus and future light rail services; a new pedestrian bridge crossing La Jolla Village Drive, west of Towne Center Drive; and park facilities in support of the residential component all consistent with the approved Exhibit "A," Master Planned Development Permit and Design Guidelines for Westfield UTC (Design Guidelines), and the University Towne Center Revitalization plans on file in the Office of Development Services.
- b. Allowable deviations:
 - Deviations from the minimum lot standards for the interior lots may include street frontage, lot area, lot dimensions, setbacks and lot coverage. The site will be treated as a single premises with respect to the development regulations; the frontage and setback standards only apply to the portions of any exterior lot which are adjacent to the public right-of-way;
 - Retail buildings within 20 feet of the public right-of-way shall be limited to 80 feet in height where the maximum structure height of the CR-1-1 zone is 60 feet;
 - The maximum structure height for all other retail buildings and parking decks shall be 100 feet. In addition, the total cumulative area of any retail floors, which are 80 feet or higher above grade, shall not exceed more than 10 percent of the total amount of square feet allocated to regional commercial use permitted within the MPDP;
 - The maximum building height for non-retail uses in the planning areas where they are permitted varies from approximately 325 feet above grade in Towne Center Gardens to approximately 390 feet above grade in Nobel Heights for residential buildings;
 - Residential uses and parking will be permitted on the ground floor in the front half of the lot where it is not normally allowed in the CR-1-1 zone;
 - All building elevations, within 20 feet of the property line, fronting a public right-of-way will include offsetting planes as described in the MPDP, rather than based on the length of the building façade as required in the Municipal Code;
 - Street trees may be placed four feet from the face of curb rather than seven feet as required in the Municipal Code if a non-contiguous sidewalk is proposed as part of a street classified in the Community Plan as a major street, primary arterial, or expressway;

- The proposed private on-site sewer may require a depth of more than 15 feet as is the maximum depth in the Municipal Code. Should a depth of more than 15 feet be necessary, UTC shall design the utility corridor and nearby structure to provide adequate width and clearance for any possible future repair or replacement of the sewer line; and
 - Deviation from the required minimum 10-foot setback to a minimum of 5 feet setback along the Genesee Avenue frontage only, and only where required to accommodate the future light rail service and/or the relocated and expanded transit center.
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.

5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
9. Construction plans shall be in substantial conformity to the Exhibits "A," University Towne Center Master Plan and Design Guidelines, and the University Towne Center Revitalization plans on file in the Office of the Development Services. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The Owner/Permittee shall defend, indemnify, and hold the City, including its agents, officers, and employees (collectively "Indemnified Parties") harmless from any claim, action, or proceeding against any Indemnified Party to attack, set aside, void, or annul City's approval of this project, which action is brought within the applicable statute of limitation. City shall promptly notify Owner/Permittee of any claim, action, or proceeding and City shall cooperate fully in the defense. If City fails to cooperate fully in the defense, Owner/Permittee shall not thereafter be responsible to defend, indemnify, or hold City harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, and defends the action in good faith. Owner/Permittee shall not be required to pay or perform any settlement unless the settlement is approved by the Owner/Permittee.

12. Planned Commercial Development Permit No. 83-0117 includes conditions of approval for 300 residential units constructed within Unit 2, Parcel Map 8333; Unit 3, Parcel Map 8679; and Unit 4, Parcel Map 8502. Unless herein amended by conditions of this permit, the Owner/Permittee and subsequent residential Owners within the aforementioned Parcel Map areas shall be subject to the conditions of approval to Planned Commercial Development Permit No. 83-0117.

13. Prior to issuance of any construction permits the applicant shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration (FAA).

14. *This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A."*

15. The Owner/Permittee shall support and not oppose the formation of a Community Facilities District (CFD) within the University Community Plan area. The Owner/Permittee shall be allowed to offset or seek reimbursement on any portions of FBA fees with the implementation of specific CFD projects, subject to the satisfaction of the CPCI Facilities Financing and the City Manager.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

16. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project.

17. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Environmental Impact Report, Project No. 2214, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

18. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Environmental Impact Report, Project No. 2214, satisfactory to the Development Services Department and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Aesthetics/Visual Quality
- Transportation/Circulation
- Air Quality
- Public Utilities (Solid Waste/Sewer)
- Paleontological Resources
- Construction Effects

19. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

AFFORDABLE HOUSING REQUIREMENTS:

20. Prior to the issuance of any construction permits for residential development, the Owner/Permittee shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code), by setting aside ten percent of the units as affordable pursuant to an agreement with the San Diego Housing Commission.

21. Prior to the issuance of any construction permit for the first residential building, the Owner/Permittee shall enter into an Affordable Housing Agreement with the San Diego Housing Commission.

ENGINEERING REQUIREMENTS:

22. This Permit shall comply with the conditions of the Vesting Tentative Map No. 293788.
23. Prior to the building occupancy, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
24. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
25. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.
26. The drainage system outside of the public right-of-way proposed for this development is private and shall be privately maintained is subject to approval by the City Engineer.
27. The proposed driveway approximately 380 feet south of the La Jolla Village Drive and Genesee Avenue intersection, fronting the project boundary, shall comply with City Standard Drawings G-14A, G-14B, G-16 and SDG-100 and satisfactory to the City Engineer.
28. This project proposes to export 592,000 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).
29. Prior to the issuance of any construction permit the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
30. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.

A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the

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property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ.

31. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the Owner/Permittee to provide the right-of-way free and clear of all encumbrances and prior easements. The Owner/Permittee must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.

32. Prior to any building occupancy, the Owner/Permittee shall conform to the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

33. Prior to the issuance of any construction permit for grading, a geotechnical investigation report shall be required that specifically addresses the proposed grading plans and cites the City's Job Order No. and Drawing No.. The geotechnical investigation shall provide specific geotechnical grading recommendations and include geotechnical maps, using the grading plan as a base, that depict recommended location of subdrains, location of outlet headwalls, anticipated removal depth, anticipated over-excavation depth, and limits of remedial grading.

Prior to issuance of any construction permit for any development within the boundaries of the La Jolla Terrace district as shown on the approved Exhibit "A," University Towne Center Master Plan and Design Guidelines, and the University Towne Center Revitalization plans on file in the Office of Development Services, the Owner/Permittee shall enter into a Deferred Improvement Agreement and post a bond for the design and construction of a pedestrian bridge across La Jolla Village Drive, between Towne Center Drive and Executive Way, in a manner satisfactory to CPCI Facilities Financing and the City Engineer.

34. Design of the pedestrian bridge shall be consistent with the adopted University Community Plan Urban Design-Linkages and Transportation Elements and satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

35. Landscape Development Plans shall be submitted to the Development Services Department (DSD) during the Substantial Conformance Review (SCR) process. All portions of the site shall comply with the City's Landscape Regulations, which include planting area and plant point requirements. Compliance shall be demonstrated by providing Landscape Calculations on the plans which will be evaluated and approved by DSD.

36. When trees with a caliper of two (2) inches or greater are proposed to be removed, the Landscape Development Plan shall identify the common name, botanical name, height, spread, and caliper size of the trees proposed for removal or relocation. This shall be reviewed during the SCR process. Replacement trees shall be of a comparable caliper size. Replacement trees shall, at maturity, provide a similar tree shade canopy to those trees removed. A Certified

Arborist shall submit a report with the Landscape Development Plan when trees are proposed to be removed or relocated.

37. Street trees shall be provided, at a minimum 24-inch box size, at a rate of one (1) canopy tree per thirty (30) feet of street frontage. A minimum 5 foot-wide planting area dimension shall be provided for trees, as measured from the inside face of curb. During the SCR process, approved street tree species will be those that are listed on the City's Street Tree Selection Guide, developed by the City's Urban Forester.

38. In the event that the Landscape Plan or Regulations and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan/Landscape Regulations such that landscape areas are consistent with Exhibit 'A' and the City's Landscape Regulations.

39. Prior to issuance of any construction permits for public right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the Development Services Department for approval. Improvement plans shall take into account a 40 square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

40. Prior to issuance of any construction permits for buildings (including shell), complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.

41. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

42. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

43. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual: Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Establishment & Maintenance Agreement shall be submitted for review by a Landscape Planner.

44. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size

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per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy or a Final Landscape Inspection.

45. Prior to issuance of any construction permit for parking structures, the Owner/Permittee shall submit on the planting and irrigation plans a signed statement by a Registered Structural Engineer indicating that supporting structures are designed to accommodate the necessary structural loads and associated planting and irrigation.

46. When alternatives to the Landscape Requirements for the top floor of Parking Structures open to the sky are proposed, the alternatives shall provide greater shade and landscape screening than one tree within 30 feet of each parking space. Alternatives shall be reviewed during the SCR process. Alternatives will be evaluated and approved to the satisfaction of the Development Services Department.

47. Any required planting that dies within 3 years of installation shall be replaced within 30 calendar days of plant death with the same size and species of plant material shown on the approved plan. Required shrubs or trees that die 3 years or more after installation shall be replaced with 15 gallon size or 60-inch box size material, respectively. Development Services may authorize adjustment of the size and quantity of replacement material where material replacement would occur in inaccessible areas or where the existing plant being replaced is larger than a 15 gallon shrub or 60-inch box tree.

48. All landscaping for the Light Rail and/or Transit Station shall comply with the Landscape Regulations. Compliance will be demonstrated with Landscape Development Plans submitted with Landscape Calculations during the SCR process.

PARK AND RECREATION REQUIREMENTS:

49. Any park or recreation development, including Torrey Trail, shall meet General Plan Standards for park acreage and facilities standards to be considered for population-based park credit and shall be privately owned and maintained with a recreation easement to allow for general public use.

50. Any recreation areas to be considered for meeting the City's population-based park requirements must be contiguous to a public right of way and in-close proximity to the residents creating the need.

51. Along with any residential dwelling unit development plans submitted for Substantial Conformance Review, the Owner/Permittee shall also provide required information, plans, and exhibits for any recreation areas to be considered for meeting the City's population-based park requirements.

52. All recreation areas to receive population-based park credit shall be no smaller than 0.75 acres and shall be constructed and approved prior to the issuance of any Certificate of Occupancy for the residential development.

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53. The Owner/Permittee shall ensure that all residential development satisfy the City's population-based park requirements within the University Towne Center project boundary.
54. The Owner/Permittee shall ensure that all parks that are to receive population-based park credit be developed consistent with Park and Recreation Department standards/guidelines.
55. Prior to the issuance of any construction permit for any residential unit development, the Owner/Permittee shall obtain approval of any population-based park from the Park and Recreation Department and through the public input process as stated in City of San Diego Council Policy 600-33, Community Notification and Input for City-Wide Park Development Projects. The Owner/Permittee shall provide the required information, plans, and exhibits for any recreation areas to be considered for meeting the City's population-based park requirements to the satisfaction of the Parks and Recreation Director.

PLANNING/DESIGN REQUIREMENTS:

56. Upon completion of all phases of development, no fewer than 7,163 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.
57. The project may be developed in phases. In order to allow for appropriate review of each phase and to determine consistency with this permit, all development plans shall be submitted for Substantial Conformance Reviews (SCR) consistent with the approved Exhibit "A," University Towne Center Master Plan and Design Guidelines, and the University Towne Center Revitalization plans on file in the Office of Development Services.
58. The Owner/Permittee shall apply to the City of San Diego for a Process One, Substantial Conformance Review for any new retail gross floor area and/or new commercial service gross floor area that does not exceed 50,000 square feet.
59. The Owner/Permittee shall apply to the City of San Diego for a Process Two, Substantial Conformance Review for any new retail and/or new commercial service gross floor area of 50,000 square feet or more.
60. The Owner/Permittee shall apply to the City of San Diego for a Process Two, Substantial Conformance Review for any new residential dwelling units.
61. Any Substantial Conformance Review within the MPDP's designated University Central or Palm Passage areas shall require review and approvals from SANDAG and MTS for transit facility and/or the light rail station purposes.
62. Any new parking facility structure shall be reviewed as a part of the Substantial Conformance Review application for the use that it will serve. In the event that a parking facility structure is not proposed at the same time as additional usable gross floor area, the

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Owner/Permittee shall apply to the City of San Diego for a Process One, Substantial Conformance Review for that parking facility structure.

63. Any retail or commercial service tenant improvements that will not increase gross floor area shall not require processing a Substantial Conformance Review application with the City of San Diego.

64. Office uses, other than in support of onsite commercial and residential uses, and hotel uses shall not be allowed on the University Towne Center site. Any proposed office or hotels uses on the University Towne Center site shall require an amendment to the permit.

65. Prior to issuance of any construction permits, the Owner/Permittee shall execute a covenant of easement to be recorded against title to the affected premises, identified as the Torrey Trails area as shown on the approved Exhibit "A," University Towne Center Master Plan and Design Guidelines, and the University Towne Center Revitalization plans, and executed in favor of the City.

The covenant shall contain information regarding the legal description of the premises affected by the permit with a description of the development area and the environmentally sensitive lands that will be preserved; notice to all persons to the extent afforded by the recording laws of the state regarding the restrictions affecting use of the environmentally sensitive lands covered by the permit; to ensure that the burdens of the covenant shall be binding upon, and the benefits of the covenant shall inure to, all successors in interest to the affected premises; and to ensure enforceability of the covenant of easement by the City.

66. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

67. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

68. The Owner/Permittee shall post a copy of the approved discretionary permit and Vesting Tentative Map in the sales office for consideration by each prospective buyer.

69. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

70. The Owner/Permittee shall obtain approval from the U.S. Green Building Council under the Leadership in Energy and Environmental Design (LEED) for Neighborhood Development pilot program at the "Silver" or better rating level.

71. The Owner/Permittee shall incorporate water-conserving features into the project. These features shall include dual flush toilets, waterless urinals and metered and/or aerated lavatory faucets in the mall common area restrooms and in the tenant criteria manual for tenant build-outs.

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Any residential dwelling units shall include dual flush toilets, aerated faucets, and low-flow showerheads. All these fixture requirements shall be met to the satisfaction of the City Engineer.

72. The Owner/Permittee shall use reclaimed water for all landscape irrigation on the site, in a manner satisfactory to the Water Department Director and the City Engineer.

73. The Owner/Permittee shall use a combination of native and region adapted, drought-tolerant plants for a minimum of 90 percent of all new landscape areas in the project, and all landscape on site shall be non-invasive species, satisfactory to the City Engineer.

74. The Owner/Permittee shall design all commercial and residential building systems to increase energy efficiency by a minimum of 10 percent above the requirements of California Title 24 regulations, satisfactory to the City Engineer.

75. The Owner/Permittee shall incorporate renewable energy into the project, including at least one solar power project on-site with a minimum capacity of 100 kilowatts (kW), satisfactory to the City Engineer.

76. The Owner/Permittee shall include "cool roof" technology in the project by using roofing materials with a Solar Reflective Index (SRI) equal to or greater than 78 (for roofs with slopes less than or equal to 2:12) and/or green roofs for a combined minimum of 75 percent of the roof area for all new buildings, satisfactory to the City Engineer.

77. The Owner/Permittee shall utilize recycled content in infrastructure for roadways, parking lots, sidewalks and curbs, including minimum 90 percent recycled aggregate materials for any aggregate base and aggregate subbase, and minimum 15 percent recycled asphalt pavement for any asphalt base, satisfactory to the City Engineer.

78. The Owner/Permittee shall use materials with post-consumer recycled content such that the total amount of post-consumer content constitutes a minimum of 15 percent of the material in the project. Post-consumer material is defined as waste material generated by households or by commercial, industrial and institutional facilities in their role as end-users of the product, which can no longer be used for its intended purpose. Mechanical, electrical and plumbing components and specialty items such as elevators are not included in this calculation, but other materials permanently installed in the project shall be included. This requirement shall be met to the satisfaction of the City Engineer.

79. Consistent with SDMC Section 66.0606, the Owner/Permittee shall recycle and/or salvage at least 50 percent of non-hazardous construction and demolition debris during construction of the project, satisfactory to the City Engineer. Recycling materials shall be sorted by material type and taken to specific recycling facilities, a list of which can be found in the City of San Diego's Recycling Guide.

80. The Owner/Permittee shall develop and implement a construction waste management plan for the construction of the project. The waste management plan shall address waste generated

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both during construction and post-construction satisfactory to the City Engineer and include the following elements:

- a. The type and quantity of solid waste to be generated;
- b. Identification of materials being diverted from disposal;
- c. Description of recycled materials, if separated or commingled, and where they are going;
- d. Onsite reuse of construction demolition materials; and
- e. Projected use of recycled materials.

81. The Owner/Permittee shall use fly ash to replace cement content for a minimum of 12 percent of the cement volume used in the project's new building structures, calculated as an average across all new buildings and parking structures in the project, satisfactory to the City Engineer.

82. The Owner/Permittee shall provide recycling receptacles along side with litter receptacles for the public to use within the commercial and retail areas. The containers should be specifically designed for recycling to discourage contamination and have clearly visible signs that indicate pictorially and in words that all paper and beverage containers are recyclable. An annual report shall be provided to the City of San Diego Environmental Service Department Director, attention to Waste Reduction Section, on the quantity of recycling containers in use and the frequency of service.

83. The Owner/Permittee shall include at least one recycling or reuse station on the project site dedicated to the collection and storage of materials generated at the project site for recycling including, at a minimum, paper, corrugated cardboard, glass, plastics and metals, satisfactory to the City Engineer.

84. The Owner/Permittee shall include at least one drop-off point on the project site for office or household potentially hazardous wastes generated at the project site such as paints, solvents, oil and/or batteries, and establish and implement a plan for post-collection disposal or use, satisfactory to the City Engineer.

85. The Owner/Permittee shall implement an educational program on-site to raise awareness of the green building initiatives incorporated into the design and operations of the project and to promote green building practices among the general public, interested organizations and educational establishments, to the satisfaction of the City Engineer.

FACILITIES FINANCING REQUIREMENTS:

86. The Owner/Permittee shall pay the Facilities Benefit Assessment (FBA) rate or Development Impact Fee in effect at the time construction permits are issued.

87. The North University City Public Facilities Financing Plan and FBA shall be amended to include the relocation and expansion of the transit center. Prior to issuance of any construction permits within the University Central, Palm Passage, or Nobel Heights districts, the

Owner/Permittee shall enter into a reimbursement agreement with the City for a value to be determined in the agreement.

FIRE AND LIFE SAFETY REQUIREMENTS:

88. Prior to the issuance of any construction permit for buildings, the Owner/Permittee shall submit Fire Access plans to the Fire Marshal for the Fire Department's review during any Substantial Conformance Review (SCR) application process for each proposed phase of the development. The Fire Access plans submitted during the SCR process shall provide access during each phase of construction in accordance with the current City of San Diego design standards, to the satisfaction of the Fire Marshal. Any proposed means of alternative compliance shall be subject to the approval of the Fire Marshal.

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY, AIRPORT LAND USE COMMISSION (ALUC) REQUIREMENTS:

89. For all proposed noise sensitive uses listed as conditionally compatible located in areas in the 60 dB - 65 dB CNEL noise contour as shown in the adopted ALUCP, the Owner/Permittee shall demonstrate with an acoustical study that adequate noise attenuation will be provided to ensure an interior noise level of 45 dB CNEL for all habitable rooms as required by the ALUCP.

90. For all proposed residential uses located in areas in the 60 - 65 dB CNEL noise contour as shown in the adopted ALUCP, the Owner/Permittee, as required by the ALUCP, shall provide appropriate legal notice to purchasers, lessee, and renters of properties in the 60 dB - 65 dB CNEL noise contour as shown in the adopted ALUCP that clearly describes the potential for impacts from aircraft noise associated with airport operations at MCAS Miramar.

91. The "Airport Environs Overlay Zone" implements the ALUCP requirements and criteria. The ALUCP addresses the FAA Part 77 (Objects Affecting Navigable Airspace) requirements. Any project determined to be a "Hazard to Air Navigation" by the FAA would be inconsistent with the ALUCP. The Owner/Permittee's implementation of the MPDP will not result in any building that the FAA would determine to be a Hazard to Air Navigation.

TRANSPORTATION REQUIREMENTS:

92. The Owner/Permittee shall relocate and expand the existing bus center and plan for the future Light Rail Transit Station (or other high capacity transit system) at the southeast corner of La Jolla Village Drive/Genesee Avenue or Esplanade Court/Genesee Avenue, satisfactory to the City Engineer.

93. The Owner/Permittee shall provide a Transportation Demand Management Plan to include transit subsidies, bicycle parking spaces and lockers, on-site child care, cafeteria, deli, gym and/or fitness facilities for employees, off-site employee parking program during holidays and special events, carpool/vanpool reserved parking spaces, transit/carpool/vanpool information kiosks, and appointed ridership coordination, satisfactory to the City Engineer.

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94. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the installation of a westbound right-turn lane at the intersection of La Jolla Village Drive and Regents Road, satisfactory to the City Engineer.

95. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the installation of a northbound right-turn lane at the intersection of La Jolla Village Drive and Genesee Avenue, satisfactory to the City Engineer.

96. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the installation of a second northbound through lane at the intersection of La Jolla Village Drive and Towne Centre Drive, satisfactory to the City Engineer.

97. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the installation of a raised center median along Towne Centre Drive from La Jolla Village Drive to the South Project Driveway, satisfactory to the City Engineer.

98. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the installation of a traffic signal and appropriate interconnect at the intersection of Nobel Drive and Lombard Place, satisfactory to the City Engineer.

99. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the modification of the traffic signal and appropriate interconnect at the intersection of Towne Centre Drive and the South UTC Project Driveway, satisfactory to the City Engineer.

100. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the installation of a westbound right-turn lane at the intersection of Governor Drive and Genesee Avenue, satisfactory to the City Engineer.

101. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the re-striping of the four-lane southbound approach to include a left, right-left, and dual right-turn lane at the intersection of La Jolla Village Drive and Interstate 805 Southbound Ramps, satisfactory to the City Engineer.

102. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the installation of a second northbound right-turn lane at the intersection of La Jolla Village Drive and Executive Way, satisfactory to the City Engineer.

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103. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the installation of a westbound right-turn lane at the intersection of Nobel Drive and Genesee Avenue, satisfactory to the City Engineer.

104. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the re-striping of the eastbound approach to provide left-thru-right and right-turn lanes at the intersection of Decoro Street and Genesee Avenue, satisfactory to the City Engineer.

105. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the re-striping of La Jolla Village Drive from Towne Centre Drive to Interstate 805 to provide an additional eastbound lane, satisfactory to the City Engineer.

106. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the widening of Nobel Drive, with right-of-way acquisition from the north side of Nobel Drive, satisfactory to the City Engineer.

107. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the extension of the existing number one westbound left-turn lane approximately 500 feet east of the intersection of the Interstate 805 off-ramp and Nobel Drive, satisfactory to the City Engineer.

108. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the widening of the westbound Interstate 5 northbound on-ramp at La Jolla Village Drive to provide an HOV lane, satisfactory to the City Engineer.

109. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the extension of the existing number one westbound left turn lane on Nobel Drive for the Southbound Interstate 5 on-ramp, approximately 300 feet east of University Center Lane, satisfactory to the City Engineer.

110. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by permit and bond the extension of the eastbound Interstate 805 southbound on-ramp on La Jolla Village Drive, to the Judicial Drive under crossing, satisfactory to the City Engineer.

111. Prior to the issuance of any construction permit for a retail, commercial, or residential structure, the Owner/Permittee shall assure by a letter of credit their contribution of 3.38 million dollars towards the study, design, or implementation of traffic operational improvements (i.e., auxiliary lanes) on Interstate 805 between La Jolla Village Drive and State Route 52, satisfactory to the City Engineer.

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112. The Owner/Permittee shall provide and maintain a current Parking Management Plan and perform an annual parking study satisfactory to the City Engineer. The updated Parking Management Plan and annual parking study shall provide additional parking opportunities in the event that the parking demand exceeds the parking supply. In the event that the parking demand exceeds the parking supply, the Owner/Permittee shall provide adequate parking for the site, and implement these alternatives prior to the next annual parking study, satisfactory to the City Engineer. In addition, no later than October 31 of each year, the Owner/Permittee shall provide evidence of a shared parking agreement for holiday overflow parking, satisfactory to the City Engineer.

SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) AND METROPOLITAN TRANSIT SYSTEM (MTS) REQUIREMENTS:

113. The Owner/Permittee shall design and construct the bus transit center and related improvements. The bus transit center shall be designed and constructed consistent with the guidelines in SANDAG's Designing for Transit Manual and as described and conditioned herein to the satisfaction of SANDAG, MTS, and the City Engineer.

114. Prior to the issuance of any construction permits in the University Central, Palm Passage, and Nobel Heights districts, the Owner/Permittee shall receive written confirmation from SANDAG and MTS (in the form of a memo from the Executive Director or their designee) that the bus transit center and related improvements have been designed to MTS standards. Development plans shall contain the following to the satisfaction of SANDAG, MTS, and the City Engineer:

- a. A centralized bus island platform design substantially conforming to the conceptual design shown on the approved Exhibit "A," Master Planned Development Permit and Design Guidelines for Westfield UTC, page 4:44. With this design concept, the waiting area would be ringed by bus bays and the bus circulation system. The dimensions for the full facility shall be approved by MTS and would be based on a design that accommodates 14 bays around the center of the platform (two of which are articulated bus bays).
- b. The central waiting area shall minimize walking distance for transferring passengers. This area shall be designed to buffer patrons from bus noises and exhaust fumes to create a pleasant waiting environment. The waiting area shall include visibility so buses can be seen from the waiting areas, and include space for information kiosks and small retail facilities.
- c. Public restrooms available for transit operators in the bus transit center. These restrooms shall remain open during the entire time there is transit service to the Mid Coast Light Rail Transit (MCLRT) station and bus transit center.
- d. A plan for how pedestrians will safely, comfortably, and efficiently access the bus transit center both horizontally and vertically and how security for passengers waiting on the platform will be factored into the design. This pedestrian circulation plan should be shown on a separate page of the plans. The central waiting area must be connected by

stairs/escalators and elevators to the shopping center and show how connections would be made to the proposed Light Rail Transit (LRT) platform along Genesee Avenue.

e. Amenities, including sufficient lighting (with as much natural light as possible), sufficient HVAC (including heating, ventilation, and air conditioning if required with the open-air design) to meet standards for comfort and health, adequate seating, transit information signage, enhanced flooring and ceiling treatments, architectural details, vending machines and/or a concession stand, and security cameras.

115. Prior to the issuance of any construction permits in the University Central, Palm Passage, and Nobel Heights districts, the final project plans shall demonstrate a design that allows for the future construction of a direct elevated pedestrian connection (to be constructed by SANDAG as a part of the future MCLRT project) between a possible future elevated light rail station platform and level one of the shopping center in a manner satisfactory to SANDAG, MTS, and the City Engineer.

116. Upon completion, the bus transit center shall be clearly identifiable from the public-right-of-way along Genesee Avenue and from areas inside the Project to the satisfaction of SANDAG, MTS, and the City Engineer.

117. Prior to the issuance of any construction permits in the University Central, Palm Passage, and Nobel Heights districts, final project plans shall show a bus-only traffic signal at the bus driveway entrance for the bus transit center to the satisfaction of SANDAG, MTS, and the City Engineer.

118. Prior to the issuance of any construction permits in the University Central, Palm Passage, and Nobel Heights districts, bike lockers within or immediately adjacent to the bus transit center, and short-term bicycle parking through bike racks placed near building entrances, out of the path of pedestrians must be provided in accordance with Regional Bicycle Parking Guidelines.

119. Prior to the issuance of any construction permits in the University Central, Palm Passage, and Nobel Heights districts, the Owner/Permittee shall consult with MTS to accommodate any bus operations during construction to the satisfaction of MTS.

WASTEWATER REQUIREMENTS:

120. All onsite sewer facilities shall be private.

121. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.

122. Prior to the issuance of any construction permits, the Owner/Permittee shall abandon the existing onsite public sewer mains in this site or they will be converted to private, satisfactory to the Metropolitan Wastewater Department Director. All associated public sewer easements shall be vacated, satisfactory to the Metropolitan Wastewater Department Director.

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123. Prior to the issuance of any construction permits, the Owner/Permittee shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium unit and lot will have its own sewer lateral or provide CC&R's for the operation and maintenance of private sewer facilities that serve more than one ownership.

124. The Owner/Permittee shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

125. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

WATER REQUIREMENTS:

126. Prior to the recordation of any easement vacation, the Owner/Permittee shall abandon all unused water mains, water services and appurtenances within the easement area to be vacated. The abandonment shall be in a manner which will receive operational acceptance from the Water Department Director and City Engineer.

127. Prior to the issuance of any construction permits for each phase of construction, the Owner/Permittee shall assure, by permit and bond, the design and construction of a new water services necessary for that phase within the rights-of-way adjacent to the project site and or in the remaining water or new easements within the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

128. Prior to the issuance of any construction permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Water Department Director, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.

129. The Owner/Permittee agrees not to construct structures or landscaping in or over any public water facilities and appurtenances located within water easements that would inhibit vehicular access and the ability of the Water Department to operate and maintain its water facilities.

130. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.

131. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

132. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto.

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Water facilities as shown on the approved Exhibit "A" shall be modified at final engineering to comply with standards.

133. Prior to the issuance of any construction permits, the Owner/Permittee shall have an executed agreement which addresses the requirements to off-set the potable water demand of the project, above the existing water use as indicated in the Water Supply Assessment, with the use of recycled water, in a manner satisfactory to the Water Department Director and the City Engineer .

134. Prior to the issuance of any construction permits for each phase of construction, the Owner/Permittee shall assure, by permit and bond, the design and construction of the recycled water facilities necessary for the irrigation needs of that phase, in a manner satisfactory to the Water Department Director and the City Engineer.

135. Prior to the issuance of any construction permits, the Owner/Permittee shall provide CC&Rs for the operation and maintenance of all private water facilities that serve or traverse more than a single unit or lot, which must also include water conservation measures in accordance with the Owner/Permittee's Leadership in Energy and Environmental Design (LEED) application.

136. The Owner/Permittee agrees to design and construct all proposed and rebuilt/renovated buildings to utilize water conservation measures in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, specifically designed to meet the requirements for acquiring 3 points under LEED-ND Credit 3: Reduced Water Use, namely Option 1 (Indoor, Category 1) and Option 2 (Outdoor), and standards and practices pertaining thereto.

137. The Owner/Permittee agrees to provide a semi-annual water report. The report shall be prepared by an independent third party, subject to the approval by the City, to account for the project's potable water demands beginning from the issuance of the first building permit to a period of three (3) years beyond the project's completion and acceptance, in a manner satisfactory to the Water Department Director and the City Engineer.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the City Council of the City of San Diego on [date and resolution number] .

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Permit Type/PTS Approval No.:

Date of Approval:

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

NAME

TITLE

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

**The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.**

[NAME OF COMPANY]

Owner/Permittee

By _____

NAME

TITLE

[NAME OF COMPANY]

Owner/Permittee

By _____

NAME

TITLE

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

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(R-INSERT)

RESOLUTION NUMBER R-XXXXXXXXXX

ADOPTED ON XXXXXXXX, 2008

WHEREAS, University Towne Center Venture L.L.C., a Delaware Limited Liability Company; Nordstrom Incorporated, a Washington Corporation; Sears and Roebuck and Company, a New York Corporation; CMF University Towne Center South, L.L.C., a Delaware Limited Liability Company; and CMF University Towne Center North, L.L.C., a Delaware Limited Liability Company, Owners, and Westfield Corporation, Incorporated, Permittee, filed an application with the City of San Diego for Master Planned Development Permit (MPDP) No. 4103 and Site Development Permit (SDP) No. 293783, an amendment to Planned Commercial Development (PCD) Permit No. 83-0117, for the redevelopment and renovation of the existing 1,061,400-square-foot Westfield University Towne Center (UTC) regional shopping center. The proposed project includes the renovation and expansion of retail uses by 610,000 to 750,000 square feet and the development of 250 to 725 multi-family residential units. The project also includes on-site parking facilities and local region transportation improvements; the expanded development of a regional transit center for bus, taxi, and light rail services; a new pedestrian bridge crossing La Jolla Village Drive, west of Town Center Drive; and park facilities in support of the residential development known as the University Town Center Revitalization project, located south of La Jolla Village Drive, west of Towne Center Drive, east of Genesee Avenue, and north of Nobel Drive, and legally described as as those portions of Parcels 1 and 2 of Parcel Map 12903 and Parcels 1, 3, and 4 of Parcel Map 6481 all in the City of San Diego, County of San Diego, State of California., in the University Community Plan area, in the CC-1-3 and RS-1-

14 zones (previously referred to as the CA and R-1 zones, respectively) which is proposed to be rezoned from CC-1-3 to CR-1-1 zone (previously referred to as the CBD zone); and

WHEREAS, on May 22, 2008, the Planning Commission of the City of San Diego considered MPDP No. 4103 and SDP No. 293783, and pursuant to Resolution No. XXXX-XX-PC voted to INSERT EITHER "recommend City Council approval of the permit" OR "approved/denied the permit"; and

WHEREAS, the matter was set for public hearing on XXXX, 2008, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to MPDP No. 4103 and SDP No. 293783:

§126.0504 Findings for Site Development Permit Approval

(a) Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan.
The Westfield University Towne Center (UTC) Project, with the approval of the proposed amendment to the University City Community Plan (Community Plan), will not adversely affect the land use and density designations for the site. UTC was originally developed in the late 1970's, opened in 1977 and expanded in 1984. The existing, open air center features department stores, specialty retail shops, automotive service shops, entertainment venues, multiple dining venues, community meeting facilities, a bus transit center and parking. The size of the existing center is 1,061,000 square feet on approximately 75 acres. UTC "...functions as a major regional commercial center as well as a social center for the community" (Community Plan, page 10). An amendment to the Community Plan is proposed in order to increase the development intensity for the site from 1,061,000 square feet to a traffic envelope, not to exceed 17,800 Average Daily Trips (ADT). Approval of the Master Planned Development Permit (MPDP) includes two different project scenarios which could be developed within the ADT envelope. The proposed project would add 750,000 square feet of retail and 250 residential units. The alternative scenario would add 610,000 square feet of retail and 725 residential units. Ten percent of the residential units will be affordable pursuant to the City's Inclusionary Housing Ordinance. The UTC Project also includes a Transit Center which will accommodate buses and any future light rail or bus rapid transit.

The UTC Project will implement many of the goals and policies of the City's General Plan (General Plan), the Community Plan (Community Plan) and SANDAG's Regional

Comprehensive Plan (RCP). The UTC Project is consistent with the General Plan Strategic Framework Element policies to create smart growth, mixed use developments. To that end, UTC will increase the supply of housing, including on-site affordable housing, connected to local and regional transit systems. Furthermore, UTC will accomplish the Community Plan objective to improve the urban node pedestrian network by providing non-contiguous sidewalks around the perimeter of the site and enhancing the walkability within the site and through connections to surrounding land uses.

The UTC Project will further many of the goals and policies of the City's Progress Guide and General Plan which are identified in the Community Plan as follows:

- Residential Growth – Management of the growth of the region through appropriate population assimilation without artificial constraints or limitations on growth increases (Community Plan, page 14);
- Fiscal – Economic – Reduction in costs of development – particularly public capital and operational costs and stabilizing the tax structure of the City by discouraging urban sprawl (Community Plan, page 14);
- Balancing Social and Community Characteristics in All Areas – Balanced housing for all communities and income levels; Proximity of place of employment and residence; Recognition of community and individual economic, social and physical values; Improving the range of goods and services for the residents of University City and accommodating communities activities, retail services, recreational and entertainment within UTC (Community Plan, page 14).

In the same way that the General Plan goals establish useful criteria for evaluating community plan alternatives in light of regional needs, the following goals from the Community Plan are particularly suited to University City:

- Develop the University area as a self-sufficient community offering a balance of housing, employment, business, cultural, educational and recreational opportunities (Community Plan, page 16);
- Create an "urban node" with two relatively high density mixed-use core areas located in the University Towne Center (Community Plan, page 16);
- Development an equitable allocation of development intensity among properties, based on the concept of the "urban node" (Community Plan, page 16);
- Locate higher density housing nearest the Towne Centre core (Community Plan, page 17);
- Encourage a mixture of residential, commercial, and professional office uses (Community Plan, page 17);
- Concentrate community activities such as retail, professional, cultural, recreational and entertainment within the Towne Centre (Community Plan, page 17);
- Develop a transportation system designed to move people and goods safely and efficiently within the community, including linkages to other communities, and with due consideration for energy conservation (Community Plan, page 18);
- Encourage the adequate provision of public transit between major activity areas such as the University, Towne Centre, and La Jolla Village Square (Community Plan, page 18);

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- Provide pedestrian paths, and bikeways to accommodate the community and complement the City-wide systems (Community Plan, page 18);
- Encourage alternative modes of transportation by requiring developer participation in transit facility improvements (Community Plan, page 18);
- Ensure implementation of City Council Policy 600-34, Transit Planning and Development (Community Plan, page 18).

In addition to furthering the goals and policies of the City's Progress Guide and General Plan and the Community Plan, the UTC Project implements many of the goals and policies of the newly adopted General Plan as follows:

- The City of Villages strategy focuses growth into mixed-use activity centers that are pedestrian-friendly districts linked to an improved regional transit system (General Plan, SF-2, LU-6);
- A "village" is defined as the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated (General Plan, SF-2, LU-6);
- Implementation of the City of Villages growth strategy is dependent upon close coordination of land use and transportation planning. The strategy calls for redevelopment, infill, and new growth to be targeted into compact, mixed-use, and walkable villages that are connected to a regional transit system. Villages should increase personal transportation choices and minimize transportation impacts through design that pays attention to the needs of people traveling by transit, foot, and bicycle, as well as the automobile. Focused development and density adjacent to transit stops that link where people live to where people work, shop and recreate, helps make transit convenient for more people. It allows for a more cost-effective expansion of transit services (General Plan, SF-3, ME-5);
- New policies have been created to support changes in development patterns to emphasize combining housing, shopping, employment uses, schools, and civic uses, at different scales, in village centers (General Plan, SF-4);
- The City of Villages Strategy strives to increase housing supply and diversity through the development of compact, mixed-use villages in specified areas. This strategy also helps to achieve some of the jobs/housing benefits of balanced communities at a broader scale by encouraging better links from homes to jobs and services throughout the region (General Plan, SF-6).

The UTC Project is consistent with SANDAG's Regional Comprehensive Plan (RCP) and Smart Growth Concept Map (Smart Growth Map). The site is identified in the RCP and the Smart Growth Map as an Urban Center/Node designated for higher density, mixed-use and transit oriented development.

The project will have no substantial adverse effect regarding the Airport Land Use Compatibility Plan (ALUCP) for Marine Corps Air Station (MCAS) Miramar. The project would be compatible with the land use restrictions identified within the ALUCP for MCAS Miramar relative to public safety and noise issues. Using the Airport Noise/Land Use Compatibility Matrix in the MCAS Miramar ALUCP, the proposed retail and residential uses are compatible land uses with the exterior noise thresholds shown in the matrix. The project site is located entirely outside of the accident potential zones identified for the air station and the tallest

proposed commercial structures would be less than the height restrictions imposed upon the project site. The proposed project would not generate other obstructions; emit or reflect light at levels that could interfere with air crew vision; produce emissions that would interfere with aircraft communication systems or other electrical systems; or attract birds. The project, therefore, would not present a significant land use conflict with regard to aircraft operations at MCAS Miramar.

The UTC Project includes the construction of a pedestrian bridge over La Jolla Village Drive, west of Towne Center Drive, identified in the adopted University Community Plan (See Community Plan, Figure 11, page 78 and page 142). The following objectives and recommendations regarding pedestrian bridge overcrossings from the University Community Plan will be implemented by the UTC Project:

- Urban Design Element – A Vision of the Future. Pedestrian overpasses will be part of the network spanning wide, heavily traveled streets, and connecting superblocks, buildings and uses in a safe environment (Community Plan, page 37);
- Urban Design Element – Linkages. With the exception of the pedestrian overpass linking the University Towne Centre and "The Plaza" project, existing overpasses seem to go from nowhere to nowhere. They solely provide a safe means of crossing wide streets. The connection from the overpass to the sidewalk is often an unsightly and space consuming ramp paralleling the street. Design solutions must address the needs of the handicapped while contributing to the aesthetic quality of the community (Community Plan, page 72);
- Urban Design Element – Linkages. An objective of the University Community Plan is to designate and clearly define a primary pedestrian network linking superblocks, major activity centers and resource areas utilizing the public sidewalk, street level crossings, overpasses, meandering paths through private developments, and trails through natural open space areas (Community Plan, page 73);
- Urban Design Element – Linkages. Another objective is to ensure that the location of new pedestrian overpasses and street level crossings reinforce the pedestrian network and that their design reflects safety, uniqueness and community pride. This is accomplished by designing overpasses as integral parts of projects not as "afterthoughts". Overpasses should connect buildings, plazas, major entrances and the most active and interesting areas on both sides of the street. Detached and isolated overpasses landing on parking lots, or dead space should be avoided (Community Plan, page 76);
- Transportation Element – Pedestrian Facilities. Pedestrian facilities in the University Community have been provided as a condition of the approvals of many development projects. These facilities include sidewalks constructed in conjunction with City streets, interior private walkways included in planned commercial developments, and special facilities such as the pedestrian overpasses which have been constructed over La Jolla Village Drive near Villa La Jolla and from University Towne Center to the Plaza, and over Genesee Avenue from the Plaza to Regents Park. Approved, but not yet constructed pedestrian overpasses include facilities over Genesee Avenue from University Towne Center

- **Transportation Element – Pedestrian Pathway System.** A pedestrian linkage system should be developed connecting residential areas to all activity areas of the community. An emphasis should be placed on separating pedestrian activity from other modes of transportation. In high-volume traffic areas, especially along La Jolla Village Drive and Nobel Drive and near the two regional shopping centers, pedestrian movement should be facilitated by pedestrian bridges (Community Plan, page 159).

Consistent with the objectives and recommendations of the Community Plan, the pedestrian bridge over La Jolla Village Drive, west of Towne Center Drive will be constructed when new development occurs within the boundaries of the La Jolla Terrace district, in a manner satisfactory to the City Engineer. That will ensure that the pedestrian bridge will provide the meaningful connection to contribute to the pedestrian linkage goals outlined in the Community Plan, and avoid detached and isolated overpasses landing on parking lots or dead space.

For all of these reasons, the UTC Project will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The UTC Project will not be detrimental to the public health, safety and welfare. UTC proposes significant public improvements within the University Community including enhanced pedestrian access, non-contiguous sidewalks, walkways, new pedestrian bridge across La Jolla Village Drive, west of Towne Center Drive, and connections to the existing elevated pedestrian bridges over Genesee Avenue and La Jolla Village Drive. Roadway improvements, freeway improvements and bikeways are also proposed. The UTC Project has an existing community center which will be relocated and doubled in size to accommodate a variety of community activities.

The proposed pedestrian bridge implements the pedestrian safety objectives of the Community Plan. Furthermore, subsequent design review will ensure public health, safety, and welfare is protected through conditions of approval and issuance of a public right-of-way encroachment permit as outlined in San Diego Municipal Code section 129.0701 et seq.

The UTC Project also incorporates many sustainable design features and has been accepted as a pilot project in the United States Green Building Council's Leadership in Energy Efficiency and Design (LEED) Neighborhood Development program. The LEED for Neighborhood Development Rating System integrates the principles of smart growth, urbanism, and green building into the first national standard for neighborhood design. LEED certification provides independent, third-party verification that a development's location and design meet accepted high standards for environmentally responsible, sustainable development.

The UTC Revitalization Project would be compatible with the land use restrictions identified within the ALUCP for MCAS Miramar relative to public safety and noise issues. According to the noise contours in the ALUCP, the 60 dB contours occur east of the project site. Using the Airport Noise/Land Use Compatibility Matrix in the MCAS Miramar ALUCP, the proposed retail and residential uses are compatible land uses with the exterior noise thresholds shown in the matrix. The project site is located entirely outside of the accident potential zones identified for the air station and the tallest proposed commercial structures would be less than the height

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restrictions imposed upon the project site. The proposed project would not generate other obstructions; emit or reflect light at levels that could interfere with air crew vision; produce emissions that would interfere with aircraft communication systems or other electrical systems; or attract birds. The project, therefore, would not present a significant hazard with regard to aircraft operations at MCAS Miramar.

The project would not involve the development of a hazardous waste facility or require the routine transport, storage or treatment of hazardous materials. The project site is not located within or adjacent to any areas that have high public safety risk, such as airport accident potential zones, and permanent buildings are not proposed in a floodway. Therefore, impacts relating to hazards and hazardous materials associated with the project would not occur.

The UTC site will continue to be served by the Police Department's Northern Division and Fire Station 35. The Police Department's goal is for a ratio of officers to population of 1.5 officers per 1,000 persons. The department's goal for responding to emergency priority calls is seven minutes. Response times on average for the Northern Division are 8.9 minutes for emergency calls and 18.4 minutes for Priority One calls. The Northern Division response time exceeds the City's average response time of 7.3 minutes for emergency calls and 13.1 for Priority One calls. At a ratio of 1.5 officers per 1,000 residents, the maximum residential scenario at UTC would generate a demand equivalent to 2.2 officers. Fire Station 35's response time to the UTC site is approximately 2 minutes as the station is located about one and one half miles from the site. However, the project site does not have the ability of a full first alarm assignment, which consists of three engines and two trucks to reach the site in a prescribed time. In addition, the engine company at Station 35 exceeds workload capacity in a number of incidents per year which requires response from outlying fire stations. Additional stations that provide backup include Fire Stations 27, 28 and 41. The response time to the UTC site from Station 27 is approximately 7 minutes, 10 minutes from Station 28 and 5 minutes from Station 41.

The Project will facilitate the construction of necessary sewer, water and road infrastructure to serve the development and the community at large. The improvements will incorporate Best Management Practices in compliance with Chapter 14, Article 2, Division 1 of the San Diego Municipal Code, including stormwater compliance standards. These improvements are conditions of approval of the permit as requirements necessary to avoid adverse impacts upon the health, safety and welfare of people living and/or working in the surrounding area.

Subsequent development proposals will be evaluated for consistency with the MPDP for Westfield Design Guidelines in accordance with the City's substantial conformance review process. All structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, plumbing, mechanical and fire codes to assure the structures will meet or exceed the current regulations. Further, the construction will be monitored and inspected in the field by certified inspectors. As such the proposed development will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The San Diego Municipal Code Chapter 12, Article 6, Division 6 (Land Development Code) sets forth the City's procedures for the issuance of Planned Development Permits, including an MPDP. Chapter 12, Article 6, Division 5 sets forth the procedures for

obtaining a Site Development Permit (SDP). The Zoning Ordinance provides specific development regulations for MPDPs and SDPs, as well as specific site development regulations for the applicable zones. The project currently operates under Planned Commercial Development Permit No. 83-017. The Planned Commercial Development permit would be amended by the MPDP.

San Diego Municipal Code section 129.0702(a)(1) provides that a public right-of-way permit is required for private construction of public improvements. Sections 126.0502(d)(7) and 129.0710(b) provides that if the proposed encroachment is erected, placed, constructed, established or maintained in the public right-of-way when the applicant is not the record owner of the property on which the encroachment will be located, a Site Development Permit is required. Consistent with those regulations, construction of the approved pedestrian bridge over La Jolla Village Drive, west of Towne Center Drive will comply with the applicable regulations of the Land Development Code.

The MPDP for the UTC Project allows flexibility in the strict adherence to development requirements of the underlying zone. Deviations are contemplated in the MPDP review process in order to create a more creative and desirable project which will benefit the community. The MPDP guidelines provide a conceptual framework for subsequent review by professional City staff in accordance with the substantial conformance review process to ensure consistent compliance with the purpose and intent of the regulations of the Land Development Code.

A majority of the project site shall be rezoned from the CC-1-3 zone (Community Commercial) to the CR-1-1 zone (Commercial Regional) to more accurately reflect the regional nature of the UTC shopping center. The proposed uses would be permissible in both the CC-1-3 and CR-1-1 zones. The zone change would have no impact upon the use or land use designation of the project site.

The tallest retail buildings and architectural appurtenances (such as towers and identity signs) would be a maximum of 100 feet. Residential structures would be no more than 390 feet in height, as outlined in the Design Guidelines. Because these buildings and architectural features would be taller than the 60-foot limit established in the CR-1-1 zone, the project requests a deviation from the height limit of the zone. Other than the requested deviation to a minimum of 5 feet setback along the Genesee Avenue frontage to accommodate future light rail and transit center development, all other structures would be set back at least 10 feet from the site boundary. The structures closest to the existing single-family residential uses to the south of the project site would be set back a minimum of 15 feet and up to 30 feet from the property line, and would be stepped back in accordance with the Design Guidelines and the development regulations in the CR-1-1 zone. The proposed project would comply with all requirements of the base zone for the provision of pedestrian pathways.

Under the proposed project, substantial amounts of surface and garage parking facilities would remain located along the street frontage. The amount of parking along the street frontage would exceed the requirements of the CR-1-1 zone (i.e., 50 percent) and a deviation is proposed. Compliance of all project structures with the specific requirements regarding provision of offsetting planes for building articulation in the MPDP and other architectural and landscaping treatments would be ensured as part of the building permit process.

Development of the property shall meet all requirements of the regulations and development criteria of the applicable zones, except as specifically allowed and modified by the MPDP No. 4103 which allows specific deviations. All relevant regulations shall be complied with at all times for the life of the project, except as allowed through specific deviations.

(b) Supplemental Findings--Environmentally Sensitive Lands

1. **The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** Torrey Trail is approximately eight acres of land on the southeast portion of the site. Although it is developed open space, it is under-utilized. Torrey Trail was graded when UTC was originally constructed. As such, it is mostly disturbed. However, there are a few remnant areas which contain steep slopes and sensitive biological resources. The UTC Project proposes park-like improvements within the boundary of Torrey Trail, but there will be no encroachment into the steep slopes or the sensitive biology. A conservation easement will be granted over those areas to ensure there will be no encroachment. For these reasons, the site is physically suitable for the design and siting of the proposed development and the development will result in no disturbance to the environmentally sensitive lands.

2. **The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.** All of the proposed grading will occur on previously graded land. There will be no encroachment into environmentally sensitive lands. In addition to obtaining all necessary state and federal permits, construction techniques such as locating staging and storage areas outside drainage areas, storing excavated soils outside of all drainage areas, and re-compacting soils to pre-construction or greater compaction density will be utilized to ensure minimal disturbance to natural land forms and will therefore not result in undue risk from geologic and erosional forces, flood hazards or fire hazards.

3. **The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** Although Torrey Trail contains environmentally sensitive lands, they are remnant, unconnected areas left over from the original development of the adjacent residential subdivisions and UTC. The sensitive biology is disturbed and contains a large quantity of non-native invasive exotic plant species. In addition, these areas are isolated by urban development from other environmentally sensitive lands. Therefore, Torrey Trail lacks the quantity, quality and connectivity necessary to support or contribute to the value of the environmentally sensitive lands.

The proposed improvements in the Torrey Trail will not impact or encroach into the environmentally sensitive lands. The Torrey Trail improvements may include pedestrian lighting, a tot lot, benches, picnic tables, new landscaping and/or other park-like amenities; the balance of the area will remain landscaped open space. A seven to ten foot buffer from the environmentally sensitive lands is proposed and secured by a covenant of easement to ensure no encroachment.

4. **The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.** The Project site, including Torrey Trail, is within the Urban Areas of the City's Multiple Species Conservation Program (MSCP) Subarea Plan. The site is not within or near a Multi-Habitat Planning Area (MHPA). The MHPA delineates core biological resource areas and corridors targeted for conservation. Because UTC is outside the MHPA and there will be no encroachment into the remnant environmentally sensitive areas, the proposed development is consistent with the MSCP Subarea Plan.

5. **The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The proposed development is located approximately two and a half miles east of the Pacific Ocean's beaches and local shoreline. The on-site development will not contribute to erosion of public beaches or adversely impact shoreline sand supply in that all current water quality and erosion control measures will be required of the project during construction and post-construction. All drainage will be directed to the existing public storm drain system and to the extent possible will substantially decrease the potential for downstream siltation. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. **The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.** The UTC Project's Torrey Trail District, contains approximately 1.92 acres of naturally occurring steep and sensitive biological resources that occur between the existing developed land in the southern-most reaches of the district and surrounding residential development. Pursuant to and SDMC Chapter 14, Article 3, Division 1 of the Environmentally Sensitive Lands (ESL) Regulations, any portion of the premises that contains, among others, steep hillsides and sensitive biological resources would be subject to ESL regulations to the entire premises. Other than proposed park improvements as noted in the Design Guidelines, the project does not propose any commercial or residential development in the vicinity of the ESL nor would any development encroach into the ESL. Consistent with SDMC Section 143.0140(a), the permit has been conditioned requiring the applicant to grant a covenant easement across the portion of the premises containing ESL to restrict any encroachment.

(c) Supplemental Findings—Public Right-of-way Encroachments

1. **The proposed encroachment is reasonably related to public travel, or benefits a public purpose, or all record owners have given the applicant written permission to maintain the encroachment on their property.** The UTC Project includes future construction of an already approved pedestrian bridge over La Jolla Village Drive, west of Towne Center Drive, connecting to Embassy Suites. (See Community Plan, Figure 11, page 78 and page 142). The purpose of this pedestrian bridge in the Community Plan is to implement the following objectives and recommendations related to public travel through pedestrian linkages:

- Urban Design Element – A Vision of the Future. Pedestrian overpasses will be part of the network spanning wide, heavily traveled streets, and connecting superblocks, buildings and uses in a safe environment (Community Plan, page 37);
- Urban Design Element – Linkages. With the exception of the pedestrian overpass linking the University Towne Centre and "The Plaza" project, existing overpasses seem to go

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from nowhere to nowhere. They solely provide a safe means of crossing wide streets. The connection from the overpass to the sidewalk is often an unsightly and space consuming ramp paralleling the street. Design solutions must address the needs of the handicapped while contributing to the aesthetic quality of the community (Community Plan, page 72);

- Urban Design Element – Linkages. An objective of the University Community Plan is to designate and clearly define a primary pedestrian network linking superblocks, major activity centers and resource areas utilizing the public sidewalk, street level crossings, overpasses, meandering paths through private developments, and trails through natural open space areas (Community Plan, page 73);
- Urban Design Element – Linkages. Another objective is to ensure that the location of new pedestrian overpasses and street level crossings reinforce the pedestrian network and that their design reflects, safety, uniqueness and community pride. This is accomplished by designing overpasses as integral parts of projects not as "afterthoughts". Overpasses should connect buildings, plazas, major entrances and the most active and interesting areas on both sides of the street. Detached and isolated overpasses landing on parking lots, or dead space should be avoided (Community Plan, page 76);
- Transportation Element – Pedestrian Facilities. Pedestrian facilities in the University Community have been provided as a condition of the approvals of many development projects. These facilities include sidewalks constructed in conjunction with City streets, interior private walkways included in planned commercial developments, and special facilities such as the pedestrian overpasses which have been constructed over La Jolla Village Drive near Villa La Jolla and from University Towne Center to the Plaza, and over Genesee Avenue from the Plaza to Regents Park. Approved, but not yet constructed pedestrian overpasses include facilities over Genesee Avenue from University Towne Center
- Transportation Element – Pedestrian Pathway System. A pedestrian linkage system should be developed connecting residential areas to all activity areas of the community. An emphasis should be placed on separating pedestrian activity from other modes of transportation. In high-volume traffic areas, especially along La Jolla Village Drive and Nobel Drive and near the two regional shopping centers, pedestrian movement should be facilitated by pedestrian bridges (Community Plan, page 159).

Consistent with the objectives and recommendations of the Community Plan, the north to south pedestrian bridge over La Jolla Village Drive, west of Towne Center Drive will be constructed when new development occurs within the boundaries of the La Jolla Terrace district as shown on the approved Exhibit A plans, University Towne Center Master Plan and Design Guidelines, and the University Towne Center Revitalization plans, in a manner satisfactory to the City Engineer. That will ensure that the pedestrian bridge will provide the meaningful connection to contribute to the pedestrian linkage goals outlined in the Community Plan, and avoid detached and isolated overpasses landing on parking lots or dead space.

The landing area for the pedestrian bridge on the Embassy Suites property, north side of La Jolla Village Drive was already dedicated pursuant to Map No. 11506 recorded in the office of the San Diego County Recorder as File Number 86-181364 on May 7, 1986. As such, the proposed encroachment is related to public travel, benefits a public purpose, and all record owners have given permission to maintain the encroachment on their property.

2. **The proposed encroachment does not interfere with the free and unobstructed use of the public right-of-way for public travel.** The purpose of constructing the pedestrian overpass is to prevent conflicts between different modes of transportation (i.e., pedestrian, bicycle, transit and/or vehicular). Construction of the pedestrian bridge will provide safe connections as part of the pedestrian linkage system outlined in the Community Plan. As such, the proposed encroachment will not interfere with the free and unobstructed use of the public right-of-way for public travel. In fact, the pedestrian bridge when it is constructed, will enhance public travel.

3. **The proposed encroachment will not adversely affect the aesthetic character of the community.** Consistent with the objectives and recommendations of the Community Plan, the north to south pedestrian bridge over La Jolla Village Drive, west of Towne Center Drive will be constructed when new development occurs within the boundaries of the La Jolla Terrace district as shown on the approved Exhibit A plans, University Towne Center Master Plan and Design Guidelines, and the University Towne Center Revitalization plans, in a manner satisfactory to the City Engineer. That will ensure that the pedestrian bridge will provide the meaningful connection to contribute to the pedestrian linkage goals outlined in the Community Plan, and avoid detached and isolated overpasses landing on parking lots or dead space. Furthermore, the pedestrian bridge will be designed in accordance with the objectives and recommendations of the Community Plan Urban Design Element.

4. **The proposed encroachment does not violate any other Municipal Code provisions or other local, state or federal law.** See responses to all Findings above. The proposed encroachment will comply with the conditions of approval for the UTC Project to ensure there will be no violations of the Municipal Code or other local, state or federal law.

§ 126.0604 Findings for Planned Development Approval

(a) Findings for all Planned Development Permits

1. **The proposed development will not adversely affect the applicable land use plan.** The Westfield University Towne Center (UTC) Project, with the approval of the proposed amendment to the University City Community Plan (Community Plan), will not adversely affect the land use and density designations for the site. UTC was originally developed in the late 1970's, opened in 1977 and expanded in 1984. The existing, open air center features department stores, specialty retail shops, automotive service shops, entertainment venues, multiple dining venues, community meeting facilities, a bus transit center and parking. The size of the existing center is 1,061,000 square feet on approximately 75 acres. UTC "...functions as a major regional commercial center as well as a social center for the community" (Community Plan, page 10). An amendment to the Community Plan is proposed in order to increase the development intensity for the site from 1,061,000 square feet to a traffic envelope, not to exceed 17,800 Average Daily Trips (ADT). Approval of the Master Planned Development Permit (MPDP) includes two different project scenarios which could be developed within the ADT envelope. The proposed project would add 750,000 square feet of retail and 250 residential units. The alternative scenario would add 610,000 square feet of retail and 725 residential units. Ten percent of the residential units will be affordable pursuant to the City's Inclusionary Housing Ordinance. The

UTC Project also includes a Transit Center which will accommodate buses and any future light rail or bus rapid transit.

The UTC Project will implement many of the goals and policies of the City's General Plan (General Plan), the Community Plan (Community Plan) and SANDAG's Regional Comprehensive Plan (RCP). The UTC Project is consistent with the General Plan Strategic Framework Element policies to create smart growth, mixed use developments. To that end, UTC will increase the supply of housing, including on-site affordable housing, connected to local and regional transit systems. Furthermore, UTC will accomplish the Community Plan objective to improve the urban node pedestrian network by providing non-contiguous sidewalks around the perimeter of the site and enhancing the walkability within the site and through connections to surrounding land uses.

The UTC Project will further many of the goals and policies of the City's Progress Guide and General Plan which are identified in the Community Plan as follows:

- Residential Growth – Management of the growth of the region through appropriate population assimilation without artificial constraints or limitations on growth increases (Community Plan, page 14);
- Fiscal – Economic – Reduction in costs of development – particularly public capital and operational costs and stabilizing the tax structure of the City by discouraging urban sprawl (Community Plan, page 14);
- Balancing Social and Community Characteristics in All Areas – Balanced housing for all communities and income levels; Proximity of place of employment and residence; Recognition of community and individual economic, social and physical values; Improving the range of goods and services for the residents of University City and accommodating communities activities, retail services, recreational and entertainment within UTC (Community Plan, page 14).

In the same way that the General Plan goals establish useful criteria for evaluating community plan alternatives in light of regional needs, the following goals from the Community Plan are particularly suited to University City:

- Develop the University area as a self-sufficient community offering a balance of housing, employment, business, cultural, educational and recreational opportunities (Community Plan, page 16);
- Create an "urban node" with two relatively high density mixed-use core areas located in the University Towne Center (Community Plan, page 16);
- Development an equitable allocation of development intensity among properties, based on the concept of the "urban node" (Community Plan, page 16);
- Locate higher density housing nearest the Towne Centre core (Community Plan, page 17);
- Encourage a mixture of residential, commercial, and professional office uses (Community Plan, page 17);
- Concentrate community activities such as retail, professional, cultural, recreational and entertainment within the Towne Centre (Community Plan, page 17);

- Develop a transportation system designed to move people and goods safely and efficiently within the community, including linkages to other communities, and with due consideration for energy conservation (Community Plan, page 18);
- Encourage the adequate provision of public transit between major activity areas such as the University, Towne Centre, and La Jolla Village Square (Community Plan, page 18);
- Provide pedestrian paths, and bikeways to accommodate the community and complement the City-wide systems (Community Plan, page 18);
- Encourage alternative modes of transportation by requiring developer participation in transit facility improvements (Community Plan, page 18);
- Ensure implementation of City Council Policy 600-34, Transit Planning and Development (Community Plan, page 18).

In addition to furthering the goals and policies of the City's Progress Guide and General Plan and the Community Plan, the UTC Project implements many of the goals and policies of the newly adopted General Plan as follows:

- The City of Villages strategy focuses growth into mixed-use activity centers that are pedestrian-friendly districts linked to an improved regional transit system (General Plan, SF-2, LU-6);
- A "village" is defined as the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated (General Plan, SF-2, LU-6);
- Implementation of the City of Villages growth strategy is dependent upon close coordination of land use and transportation planning. The strategy calls for redevelopment, infill, and new growth to be targeted into compact, mixed-use, and walkable villages that are connected to a regional transit system. Villages should increase personal transportation choices and minimize transportation impacts through design that pays attention to the needs of people traveling by transit, foot, and bicycle, as well as the automobile. Focused development and density adjacent to transit stops that link where people live to where people work, shop and recreate, helps make transit convenient for more people. It allows for a more cost-effective expansion of transit services (General Plan, SF-3, ME-5);
- New policies have been created to support changes in development patterns to emphasize combining housing, shopping, employment uses, schools, and civic uses, at different scales, in village centers (General Plan, SF-4);
- The City of Villages Strategy strives to increase housing supply and diversity through the development of compact, mixed-use villages in specified areas. This strategy also helps to achieve some of the jobs/housing benefits of balanced communities at a broader scale by encouraging better links from homes to jobs and services throughout the region (General Plan, SF-6).

The UTC Project is consistent with SANDAG's Regional Comprehensive Plan (RCP) and Smart Growth Concept Map (Smart Growth Map). The site is identified in the RCP and the Smart Growth Map as an Urban Center/Node designated for higher density, mixed-use and transit oriented development.

The project will have no substantial adverse effect regarding the Airport Land Use Compatibility Plan (ALUCP) for Marine Corps Air Station (MCAS) Miramar. The project would be compatible with the land use restrictions identified within the ALUCP for MCAS Miramar relative to public safety and noise issues. Using the Airport Noise/Land Use Compatibility Matrix in the MCAS Miramar ALUCP, the proposed retail and residential uses are compatible land uses with the exterior noise thresholds shown in the matrix. The project site is located entirely outside of the accident potential zones identified for the air station and the tallest proposed commercial structures would be less than the height restrictions imposed upon the project site. The proposed project would not generate other obstructions; emit or reflect light at levels that could interfere with air crew vision; produce emissions that would interfere with aircraft communication systems or other electrical systems; or attract birds. The project, therefore, would not present a significant land use conflict with regard to aircraft operations at MCAS Miramar.

The UTC Project includes the construction of a pedestrian bridge over La Jolla Village Drive, west of Towne Center Drive, identified in the adopted University Community Plan (See Community Plan, Figure 11, page 78 and page 142). The following objectives and recommendations regarding pedestrian bridge overcrossings from the University Community Plan will be implemented by the UTC Project:

- Urban Design Element – A Vision of the Future. Pedestrian overpasses will be part of the network spanning wide, heavily traveled streets, and connecting superblocks, buildings and uses in a safe environment (Community Plan, page 37);
- Urban Design Element – Linkages. With the exception of the pedestrian overpass linking the University Towne Centre and "The Plaza" project, existing overpasses seem to go from nowhere to nowhere. They solely provide a safe means of crossing wide streets. The connection from the overpass to the sidewalk is often an unsightly and space consuming ramp paralleling the street. Design solutions must address the needs of the handicapped while contributing to the aesthetic quality of the community (Community Plan, page 72);
- Urban Design Element – Linkages. An objective of the University Community Plan is to designate and clearly define a primary pedestrian network linking superblocks, major activity centers and resource areas utilizing the public sidewalk, street level crossings, overpasses, meandering paths through private developments, and trails through natural open space areas (Community Plan, page 73);
- Urban Design Element – Linkages. Another objective is to ensure that the location of new pedestrian overpasses and street level crossings reinforce the pedestrian network and that their design reflects, safety, uniqueness and community pride. This is accomplished by designing overpasses as integral parts of projects not as "afterthoughts". Overpasses should connect buildings, plazas, major entrances and the most active and interesting areas on both sides of the street. Detached and isolated overpasses landing on parking lots, or dead space should be avoided (Community Plan, page 76);
- Transportation Element – Pedestrian Facilities. Pedestrian facilities in the University Community have been provided as a condition of the approvals of many development projects. These facilities include sidewalks constructed in

conjunction with City streets, interior private walkways included in planned commercial developments, and special facilities such as the pedestrian overpasses which have been constructed over La Jolla Village Drive near Villa La Jolla and from University Towne Center to the Plaza, and over Genesee Avenue from the Plaza to Regents Park. Approved, but not yet constructed pedestrian overpasses include facilities over Genesee Avenue from University Towne Center

- Transportation Element – Pedestrian Pathway System. A pedestrian linkage system should be developed connecting residential areas to all activity areas of the community. An emphasis should be placed on separating pedestrian activity from other modes of transportation. In high-volume traffic areas, especially along La Jolla Village Drive and Nobel Drive and near the two regional shopping centers, pedestrian movement should be facilitated by pedestrian bridges (Community Plan, page 159).

Consistent with the objectives and recommendations of the Community Plan, the pedestrian bridge over La Jolla Village Drive, west of Towne Center Drive will be constructed when new development occurs within the boundaries of the La Jolla Terrace district, in a manner satisfactory to the City Engineer. That will ensure that the pedestrian bridge will provide the meaningful connection to contribute to the pedestrian linkage goals outlined in the Community Plan, and avoid detached and isolated overpasses landing on parking lots or dead space.

For all of these reasons, the UTC Project will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The UTC Project will not be detrimental to the public health, safety and welfare. UTC proposes significant public improvements within the University Community including enhanced pedestrian access, non-contiguous sidewalks, walkways, new pedestrian bridge across La Jolla Village Drive, west of Towne Center Drive, and connections to the existing elevated pedestrian bridges over Genesee Avenue and La Jolla Village Drive. Roadway improvements, freeway improvements and bikeways are also proposed. The UTC Project has an existing community center which will be relocated and doubled in size to accommodate a variety of community activities.

The proposed pedestrian bridge implements the pedestrian safety objectives of the Community Plan. Furthermore, subsequent design review will ensure public health, safety, and welfare is protected through conditions of approval and issuance of a public right-of-way encroachment permit as outlined in San Diego Municipal Code section 129.0701 et seq.

The UTC Project also incorporates many sustainable design features and has been accepted as a pilot project in the United States Green Building Council's Leadership in Energy Efficiency and Design (LEED) Neighborhood Development program. The LEED for Neighborhood Development Rating System integrates the principles of smart growth, urbanism, and green building into the first national standard for neighborhood design. LEED certification provides independent, third-party verification that a development's location and design meet accepted high standards for environmentally responsible, sustainable development.

The UTC Revitalization Project would be compatible with the land use restrictions identified within the ALUCP for MCAS Miramar relative to public safety and noise issues. According to the noise contours in the ALUCP, the 60 dB contours occur east of the project site. Using the Airport Noise/Land Use Compatibility Matrix in the MCAS Miramar ALUCP, the proposed retail and residential uses are compatible land uses with the exterior noise thresholds shown in the matrix. The project site is located entirely outside of the accident potential zones identified for the air station and the tallest proposed commercial structures would be less than the height restrictions imposed upon the project site. The proposed project would not generate other obstructions; emit or reflect light at levels that could interfere with air crew vision; produce emissions that would interfere with aircraft communication systems or other electrical systems; or attract birds. The project, therefore, would not present a significant hazard with regard to aircraft operations at MCAS Miramar.

The project would not involve the development of a hazardous waste facility or require the routine transport, storage or treatment of hazardous materials. The project site is not located within or adjacent to any areas that have high public safety risk, such as airport accident potential zones, and permanent buildings are not proposed in a floodway. Therefore, impacts relating to hazards and hazardous materials associated with the project would not occur.

The UTC site will continue to be served by the Police Department's Northern Division and Fire Station 35. The Police Department's goal is for a ratio of officers to population of 1.5 officers per 1,000 persons. The department's goal for responding to emergency priority calls is seven minutes. Response times on average for the Northern Division are 8.9 minutes for emergency calls and 18.4 minutes for Priority One calls. The Northern Division response time exceeds the City's average response time of 7.3 minutes for emergency calls and 13.1 for Priority One calls. At a ratio of 1.5 officers per 1,000 residents, the maximum residential scenario at UTC would generate a demand equivalent to 2.2 officers. Fire Station 35's response time to the UTC site is approximately 2 minutes as the station is located about one and one half miles from the site. However, the project site does not have the ability of a full first alarm assignment, which consists of three engines and two trucks to reach the site in a prescribed time. In addition, the engine company at Station 35 exceeds workload capacity in a number of incidents per year which requires response from outlying fire stations. Additional stations that provide backup include Fire Stations 27, 28 and 41. The response time to the UTC site from Station 27 is approximately 7 minutes, 10 minutes from Station 28 and 5 minutes from Station 41.

The Project will facilitate the construction of necessary sewer, water and road infrastructure to serve the development and the community at large. The improvements will incorporate Best Management Practices in compliance with Chapter 14, Article 2, Division 1 of the San Diego Municipal Code, including stormwater compliance standards. These improvements are conditions of approval of the permit as requirements necessary to avoid adverse impacts upon the health, safety and welfare of people living and/or working in the surrounding area.

Subsequent development proposals will be evaluated for consistency with the MPDP for Westfield Design Guidelines in accordance with the City's substantial conformance review process. All structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, plumbing, mechanical and fire codes to assure the structures will meet or exceed the current regulations. Further, the construction will be monitored

and inspected in the field by certified inspectors. As such the proposed development will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the regulations of the Land Development Code. The San Diego Municipal Code Chapter 12, Article 6, Division 6 (Land Development Code) sets forth the City's procedures for the issuance of Planned Development Permits, including an MPDP. Chapter 12, Article 6, Division 5 sets forth the procedures for obtaining a Site Development Permit (SDP). The Zoning Ordinance provides specific development regulations for MPDPs and SDPs, as well as specific site development regulations for the applicable zones. The project currently operates under Planned Commercial Development Permit No. 83-017. The Planned Commercial Development permit would be amended by the MPDP.

San Diego Municipal Code section 129.0702(a)(1) provides that a public right-of-way permit is required for private construction of public improvements. Sections 126.0502(d)(7) and 129.0710(b) provides that if the proposed encroachment is erected, placed, constructed, established or maintained in the public right-of-way when the applicant is not the record owner of the property on which the encroachment will be located, a Site Development Permit is required. Consistent with those regulations, construction of the approved pedestrian bridge over La Jolla Village Drive, west of Towne Center Drive will comply with the applicable regulations of the Land Development Code.

The MPDP for the UTC Project allows flexibility in the strict adherence to development requirements of the underlying zone. Deviations are contemplated in the MPDP review process in order to create a more creative and desirable project which will benefit the community. The MPDP guidelines provide a conceptual framework for subsequent review by professional City staff in accordance with the substantial conformance review process to ensure consistent compliance with the purpose and intent of the regulations of the Land Development Code.

A majority of the project site shall be rezoned from the CC-1-3 zone (Community Commercial) to the CR-1-1 zone (Commercial Regional) to more accurately reflect the regional nature of the UTC shopping center. The proposed uses would be permissible in both the CC-1-3 and CR-1-1 zones. The zone change would have no impact upon the use or land use designation of the project site.

The tallest retail buildings and architectural appurtenances (such as towers and identity signs) would be a maximum of 100 feet. Residential structures would be no more than 390 feet in height, as outlined in the Design Guidelines. Because these buildings and architectural features would be taller than the 60-foot limit established in the CR-1-1 zone, the project requests a deviation from the height limit of the zone. Other than the requested deviation to a minimum of 5 feet setback along the Genesee Avenue frontage to accommodate future light rail and transit center development, all other structures would be set back at least 10 feet from the site boundary. The structures closest to the existing single-family residential uses to the south of the project site would be set back a minimum of 15 feet and up to 30 feet from the property line, and would be stepped back in accordance with the Design Guidelines and the development regulations in the CR-1-1 zone. The proposed project would comply with all requirements of the base zone for the provision of pedestrian pathways.

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Under the proposed project, substantial amounts of surface and garage parking facilities would remain located along the street frontage. The amount of parking along the street frontage would exceed the requirements of the CR-1-1 zone (i.e., 50 percent) and a deviation is proposed. Compliance of all project structures with the specific requirements regarding provision of offsetting planes for building articulation in the MPDP and other architectural and landscaping treatments would be ensured as part of the building permit process.

Development of the property shall meet all requirements of the regulations and development criteria of the applicable zones, except as specifically allowed and modified by the MPDP No. 4103 which allows specific deviations. All relevant regulations shall be complied with at all times for the life of the project, except as allowed through specific deviations.

4. The proposed development, when considered as a whole, will be beneficial to the community. The proposed project would revitalize an existing regional shopping center, balancing the functional needs of the existing center in a way that better serves the surrounding University City service area, which has expanded substantially through population growth and urban development over the last 15 to 20 years. The proposed project would provide for improved and expanded community facilities at the shopping center. The proposed project would offer a broader range of goods and services to the community by providing updated and expanded retail, dining and entertainment options within the University City community that promote extended stays at the center and serve as a means to reduce peak hour commute trips in the project area.

The project design concept described in the MPDP Design Guidelines addresses the current inadequacies of the existing department stores, specialty retail shops, dining and entertainment options onsite, as well as the isolated nature of the center from the surrounding community. The proposed project includes renovation of the existing regional shopping center through demolition of about half of the existing center and construction of new and expanded department stores and retail shops and the addition of a mix of uses including residential, and possible hotel and/or office uses onsite.

Utility improvements are proposed that would consist of removing a portion of the onsite sewer and water mains and replacing them with private mains that would be covered by a private utility easement. In addition, the project site would be connected to the City's reclaimed water system. As discussed in Finding 2 above, the Project has been accepted into the United States Green Building Council's LEED Neighborhood Development Pilot Program and is seeking LEED certification, which is the nationally accepted benchmark for the design, construction and operation of high performance green buildings. LEED-ND pilot program integrates the principles of smart growth, new urbanism and green building. The project applicant has generated sustainability strategies for the redevelopment of the UTC shopping center, including those associated with landscape, lighting, electrical, structural, and HVAC systems.

The proposed project also addresses the regional transportation agencies' goal of expanding public transportation opportunities to ease traffic congestion within the University and Golden Triangle area by providing opportunities for mid- and long-range public transportation improvements that are currently being contemplated for the project area. Specifically, the project applicant, in cooperation with San Diego Association of Governments (SANDAG), would relocate and expand the existing onsite bus transit center. The expanded transit center would be

constructed by the applicant. The proposed project would also reserve right-of-way for the proposed transit center and planned extension of a light rail transit line through the University and Golden Triangle area with a stop proposed at a new station along Genesee Avenue near UTC.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. Deviations are proposed in accordance with Section 126.0602(b)(1) of the Municipal Code. Due to the conceptual nature of the MPDP, deviations are addressed on a planning area basis rather than attributed to a specific aspect of a subsequent development project. The requested deviations may include:

- Retail buildings within 20 feet of the public right-of-way shall be limited to 80 feet in height where the maximum structure height of the CR-1-1 zone is 60 feet;
- The maximum structure height for all other retail buildings and parking decks shall be 100 feet. In addition, the total cumulative area of any retail floors, which are 80 feet or higher above grade, shall not exceed more than 10 percent of the total amount of square feet allocated to regional commercial use permitted within the MPDP;
- The maximum building height for non-retail uses in the planning areas where they are permitted varies from approximately 325 feet above grade in Towne Center Gardens to approximately 390 feet above grade in Nobel Heights for residential buildings;
- Residential uses and parking will be permitted on the ground floor in the front half of the lot where it is not normally allowed in the CR-1-1 zone;
- All building elevations, within 20 feet of the property line, fronting a public right-of-way will include offsetting planes as described in the MPDP, rather than based on the length of the building façade as required in the Municipal Code;
- Street trees may be placed four feet from the face of curb rather than seven feet as required in the Municipal Code if a non-contiguous sidewalk is proposed as part of a street classified in the Community Plan as a major street, primary arterial, or expressway;
- The proposed private on-site sewer may require a depth of more than 15 feet as is the maximum depth in the Municipal Code. Should a depth of more than 15 feet be necessary, UTC shall design the utility corridor and nearby structure to provide adequate width and clearance for any possible future repair or replacement of the sewer line;
- Deviations from the minimum lot standards for the interior lots may include street frontage, lot area, lot dimensions, setbacks and lot coverage. The site will be treated as single premises with respect to the development regulations; the frontage and setback standards only apply to the portions of any exterior lot which are adjacent to the public right-of-way; and
- Deviation from the required minimum 10-foot setback to a minimum of 5 feet setback along the Genesee Avenue frontage only, and only where required to accommodate the future light rail service and/or the relocated and expanded transit center.

The deviation from the height restriction would allow for architectural and landscape treatments at the street level to engage the pedestrian network (including limitation of the base height of structures, changes in colors and textures, protrusions and recessions, etc.), which would

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contribute to street vitality and a pedestrian-friendly atmosphere. In addition, although the amount of parking along the street frontage would exceed the requirements of the CR-1-1 zone, it will improve upon the existing condition in which surface parking is located around the entire perimeter of the center, the . The proposed project would bring department stores and other retail uses closer to the street right-of-way. These buildings would replace some of the existing surface parking and divide the remaining surface parking into smaller units. A portion of the parking would be below the retail proposed near the corner of La Jolla Village Drive and Genesee Avenue. Parking structures would be screened by tall and large flowering trees and trellised vines and would feature architectural treatments to enhance the pedestrian experience. The proposed project would, therefore, substantially improve the building/parking orientation of the site to the adjacent roadways.

The Planned Development Permit regulations allow for deviations to the minimum requirements of the CR-1-1 zoning regulations affecting the site if the proposed design is demonstrated to be an imaginative and creative design solution which would not result from the strict application of the regulations. The development proposes the revitalization and expansion of a regional commercial center along with new residential development within a "live, work and play" environment which is sensitive to adjacent properties and avoids environmentally sensitive lands. The proposed layout of the project site, with the noted deviations above, will be such a creative and imaginative design. The deviations are therefore allowable through the Planned Development Permit regulations. The development's Design Guidelines and concept plans for the project identify compliance with all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project, except as allowed through the specific deviation listed above.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

[Approved] BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Master Planned Development Permit No. 4103 and Site Development Permit No. 293783 is granted to University Towne Center Venture L.L.C., a Delaware Limited Liability Company; Nordstrom Incorporated, a Washington Corporation; Sears and Roebuck and Company, a New York Corporation; CMF University Towne Center South, L.L.C., a Delaware Limited Liability Company; and CMF University Towne Center North, L.L.C., a Delaware Limited Liability Company, Owners, and Westfield Corporation, Incorporated, Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

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[Denied] BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Master Planned Development Permit No. 4103 and Site Development Permit No. 293783 are denied.

APPROVED: MICHAEL AGUIRRE, City Attorney

By

NAME

Deputy City Attorney

ATTY/SEC. INITIALS

DATE

Or.Dept:Clerk

R-INSERT

Form=permitr.frm(61203wct)

Reviewed by T. Daly

Rezone Ordinance

(O-INSERT~)

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 69.76 ACRES LOCATED SOUTH OF LA JOLLA VILLAGE DRIVE, WEST OF TOWNE CENTER DRIVE, EAST OF GENESEE AVENUE, AND NORTH OF NOBEL DRIVE, WITHIN THE UNIVERSITY COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE COMMERCIAL-COMMUNITY, CC-1-3 ZONE INTO THE COMMERCIAL REGIONAL, CR-1-1 ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 1310505; AND REPEALING ORDINANCE NO. 11612 (NEW SERIES), ADOPTED MAY 27, 1975 OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICT HERewith.

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That 69.76 acres located south of La Jolla Village Drive, west of Towne Center Drive, east of Genesee Avenue, and north of Nobel Drive., and legally described as those portions of Parcels 1 and 2 of Parcel Map 12903 and Parcels 1, 3, and 4 of Parcel Map 6481 all in the City of San Diego, County of San Diego, State of California, in the University Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4262, filed in the office of the City Clerk as Document No. OO- _____, are rezoned from the Commercial-Community, CC-1-3 zone into the Commercial Regional, CR-1-1 zone, as the zone is described and defined by San Diego Municipal Code Chapter 13 Article 1 Division 5. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

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Section 2. That Ordinance No. 11612 (New Series), adopted May 27, 1975, of the ordinances of the City of San Diego is repealed insofar as the same conflict with the rezoned uses of the land.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance.

APPROVED: MICHAEL AGUIRRE, City Attorney

By _____
Attorney name
Deputy City Attorney

Initials~

Date~

Or.Dept: INSERT~

Case No.INSERT PROJECT NUMBER~

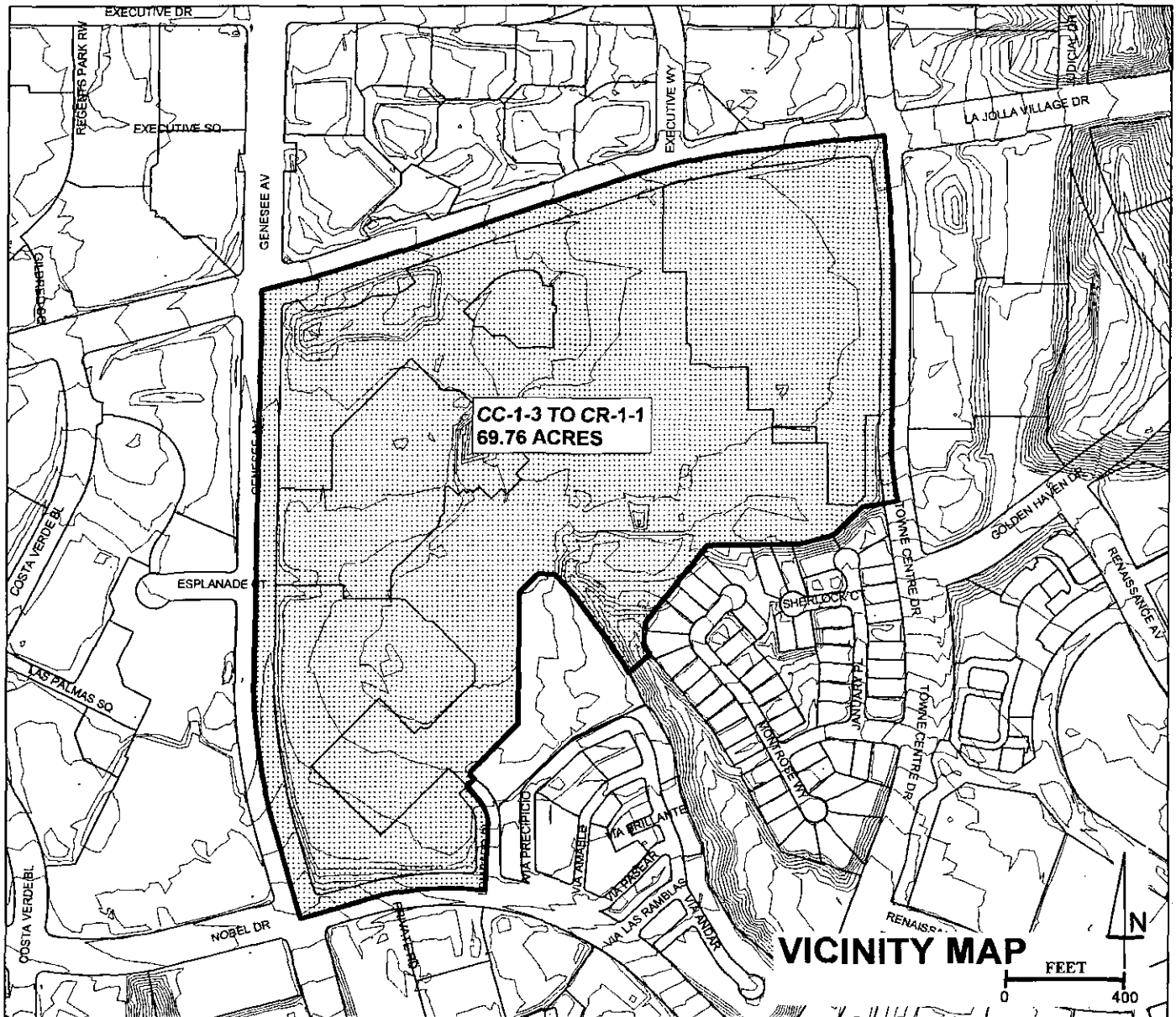
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PROPOSED REZONING



APN:345-090-07,08,13,14&16
(250-1701) 04-15-08 Idj

PLANNING COMMISSION RESOLUTION NO. 3235-PC

INITIATING AN AMENDMENT TO THE UNIVERSITY COMMUNITY PLAN AND
PROGRESS GUIDE AND GENERAL PLAN TO CHANGE THE LAND USE AND
DEVELOPMENT INTENSITY TABLE TO ALLOW MULTI-FAMILY RESIDENTIAL,
HOTEL, AND OFFICE USES AND AN EXPANSION OF THE REGIONAL COMMERCIAL
USE ON A 75.35-ACRE SITE

WHEREAS, on February 7, 2002, the Planning Commission of the City of San Diego held a public hearing to consider the initiation of an amendment to the University Community Plan and Progress Guide and General Plan to change the Land Use and Development Intensity table for University Towne Center to allow an expansion of the existing regional commercial use and allow multi-family residential, office and hotel uses; and

WHEREAS, the applicants are requesting the Community Plan Amendment in anticipation of future redevelopment of the site with uses that are not permitted under the current land use designation and a development intensity that exceeds that allowed under the current land use plan; and

WHEREAS, the Planning Commission of the City of San Diego considered all maps, exhibits, evidence and testimony and found that the supplemental findings can be made; NOW
THEREFORE;

BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby initiates the requested University Community Plan and General Plan amendment; and

BE IT FURTHER RESOLVED, that the following issues will be considered as part of the community plan amendment analysis:

- A comprehensive traffic study to evaluate impacts of increased residential and commercial development intensities on regional and local traffic.
- A transit-oriented development that integrates a transit station. Staff would coordinate this analysis with the Metropolitan Transit Development Board.
- Appropriate mix of residential, office, hotel and retail uses and their intensities.
- Incorporation of an affordable housing component, and range of housing types.
- Compatibility of the proposed land use changes and increased intensities with surrounding land uses.
- Vehicular, pedestrian and bicycle access into and within the subject property. In particular, maximizing walkability and establishing pedestrian linkages to and from the site to surrounding development.

- Incorporation of design guidelines to address the site's designation in the Community Plan as an urban node, including relating buildings to the street and to the needs of pedestrians, siting and orienting building to interface with surrounding office, commercial, and residential developments and incorporating pedestrian-oriented amenities which contribute to street vitality.
- A mix of uses that are strongly integrated
- Integration of transit into the project design using the Metropolitan Transit Development Board in order to design the project around transit in a way that will promote transit use and pedestrian orientation
- Establishment of an implementation program for facilities simultaneously with the plan amendment, so facilities are provided concurrently with community needs or before the demonstrated impact
- Assessment of public and private partnerships to analyze supplemental financing strategies for facilities and infrastructure
- Assessment of opportunities to improve the pedestrian circulation system community-wide.
- Comprehensive analysis of the cumulative impacts of community plan amendments recently approved and in progress
- Examination of the benefits of mixed use development including economies of scale, benefits of shared uses, and uses with different peaking characteristics
- Incorporation of urban open space, that is public or private
- Impacts of the proposed development on infrastructure and road capacity
- Establishment of performance standards for development phasing to determine how facilities will be phased and the thresholds for phasing
- Evaluation of alternative land uses and a mix of densities
- Incorporation of design standards to provide an area surrounding the site that is more walkable, including addressing the project's street frontage using such elements as wider sidewalks and siting building out to the sidewalks
- Inclusionary housing with public money involved
- Transit connections from the site to La Jolla, UCSD, and Sorrento Mesa, and regional connections to downtown

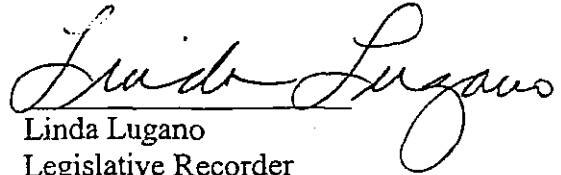
001460

- Evaluation of the carrying capacity for the University Community Plan area
- Providing for transit support and infrastructure support as part of the development project
- Review of community-wide circulation, transit and facilities financing issues concurrently with the plan amendment

BE IT FURTHER RESOLVED, that this initiation does not constitute an endorsement of a project proposal. This action will allow staff analysis to proceed.



Cecilia Williams
Senior Planner, Long Range Planning



Linda Lugano
Legislative Recorder

Initiated: February 7, 2002
By a Vote of : 6-0

**Staff Response to Planning Commission
Resolution No. 3235-PC**

1. A comprehensive traffic study to evaluate impacts of increased residential and commercial development intensities on regional and local traffic.

A comprehensive traffic study was completed and results included in the Final Environmental Impact Report (Section 5.3 FEIR). The study concluded that there will be significant, unmitigated impacts to traffic circulation as a result of the proposed project. Transportation improvements to be completed in conjunction with the project are included in the FEIR and are summarized in Chapter 7 of the MPDP (page 7:10).

2. A transit-oriented development that integrates a transit station. Staff would coordinate this analysis with the Metropolitan Transit Development Board.

The proposed project will relocate and expand the existing bus transit station on-site and integrate the design of the retail and/or residential components to provide increased accessibility and connectivity to the station both from within the site and from surrounding uses. The new bus transit station will also be designed to accommodate the extension of the Mid-Coast LRT line and a new trolley station. The MPDP permit has been conditioned to require coordination with SANDAG and MTS for design and construction of the transit facilities.

3. Appropriate mix of residential, office, hotel and retail uses and their intensities.

The proposed project has been revised from the original proposal to not include any hotel or office use on-site. The project would be the renovation and expansion of retail uses by 610,000 to 750,000 square feet and the development of 250 to 725 multi-family residential units. The University Towne Center has been identified as a potential Urban Village Center by the Strategic Framework Element. Urban Village Centers are higher-density/intensity areas located in subregional employment districts. They are characterized by a cluster of more intensive employment, residential, regional and subregional commercial uses that maximize walkability and support transit. As such, the provision of additional retail and housing within this area is appropriate.

As detailed in the EIR, the proposed increase in intensity would result in significant, unmitigated impacts to traffic circulation. However, it is anticipated that the mix and intensity of uses, the presence of transit and the project's improvements to increase connectivity for non-motorized transportation, would prioritize walkability, bicycle and transit use over vehicular use for inter-community trips, trips to other subregional employment areas and to downtown. The recently approved Monte Verde project located to the west across Genesee Avenue has also been designed to prioritize the pedestrian over the vehicle and provide direct pedestrian connections to adjacent uses. When taken as a whole, these two projects greatly improve pedestrian accessibility and connectivity within the Urban Node of the University Community, consistent with the goals and objectives of the University Community Plan.

4. Incorporation of an affordable housing component and range of housing types.

The proposed project would develop 250 to 725 residential units in conformance with the Master Planned Development Permit and Design Guidelines. Ten percent of the total residential units would be affordable units on-site per agreement with the San Diego Housing Commission.

5. Compatibility of the proposed land use changes and increased intensities with surrounding land uses.

The subject property is located in the Central Subarea which is the most urban of the four subareas of the community. The Community Plan identifies a portion the Central Subarea as an Urban Node which is characterized by a relatively high density, mixed use core in the area of La Jolla Village Drive and Genesee Avenue. Activities such as retail, professional office, medium to high density residential and entertainment are currently concentrated within the Urban Node surrounding to the project site. The proposed use and intensity is compatible with the high intensity uses surrounding the site. This includes office and hotel uses to the north, high density residential (45-75 dwelling units per acre) and retail to the west, medium density residential (30-45 dwelling units per acre) to the south, and office and medium density residential to the east.

6. Vehicular, pedestrian and bicycle access into and within the subject property. In particular, maximizing walkability and establishing pedestrian linkages to and from the site to surrounding development.

Within the Community Plan, La Jolla Village Drive and Genesee Avenue are designated as ceremonial, auto-oriented parkways emphasizing vehicle movement rather than pedestrian. The Community Plan designates a primary pedestrian network within the Urban Node where policies focus on accessibility and connectivity in order to link superblocks, major activity centers and resource areas utilizing the public sidewalk, street level crossings, overpasses, meandering paths through private developments, and trails through natural open space areas. The proposed community plan amendment would add the portions of La Jolla Village Drive and Genesee Avenue within the Urban Node to the primary pedestrian network to place a greater importance of accommodating pedestrian and bicycle movement along these roadways.

The proposed project will retrofit all public sidewalks fronting the project site from contiguous to non-contiguous, six foot wide (minimum) sidewalks with landscaped parkways. The project will provide an upper level connection to the existing Genesee Avenue pedestrian bridge which will connect to the recently approved Monte Verde project directly to the west. A new pedestrian bridge will be built with development of the La Jolla Terrace planning area of the Master Planned Development Permit. Should the a new Trolley Station be provided along Genesee Avenue to connect to the new bus transit station, Westfield and the Monte Verde applicant will coordinate with SANDAG and MTS to potentially construct a new pedestrian bridge over Genesee Avenue which would link the Monte Verde project, the trolley station and Westfield UTC all at the upper level. Identifiable and inviting project gateways will be provided throughout the

perimeter of the project site to welcome the pedestrian into the site from the public right-of-way, new bikelanes will be provided along Nobel Drive between Genesee Avenue and Lombard place with improvements to this portion of roadway, bicycle amenities will be provided near the relocated and expanded bus transit center, and wayfinding signs will be provided throughout the entire project site to guide the public to the retail, residential and transit facility on-site

7. Incorporation of design guidelines to address the site's designation in the Community Plan as an urban node, including relating buildings to the street and to the needs of pedestrians, siting and orienting buildings to interface with surrounding office, commercial and residential developments and incorporating pedestrian oriented amenities which contribute to street vitality.

The proposed community plan amendment would add the portions of La Jolla Village Drive and Genesee Avenue that fall within the Urban Node to the primary pedestrian network. In doing so, new and infill development along these two roadway segments would be subject to the policies in the community plan related to pedestrian orientation and linkages, sidewalks and pedestrian overpasses, bicycle connections, and siting and orientation of buildings.

The MPDP has incorporated the policy language mentioned above into the document for application to the phased development of the project site.

8. A mix of uses that are strongly integrated.

See # 3 and 5.

9. Integration of transit into the project design using the Metropolitan Transit Development Board in order to design the project around transit in a way that will promote transit use and pedestrian orientation.

See # 2, 3 and 6.

10. Establishment of an implementation program for facilities simultaneously with the plan amendment, so facilities are provided concurrently with community needs or before the demonstrated impact.

The proposed project has been conditioned to provide the needed public facilities or infrastructure improvements concurrent with the phased development of the site including population based park acreage, transportation and circulation improvements, and water and sewer improvements.

11. Assessment of public and private partnerships to analyze supplemental financing strategies for facilities and infrastructure.

The costs of all required public facility and infrastructure improvements to accommodate the proposed project will be borne by the project applicant including the bus transit facility and future LRT station.

12. Assessment of opportunities to improve the pedestrian circulation system community-wide.

See # 6.

13. Comprehensive analysis of the cumulative impacts of community plan amendments recently approved and in progress.

The most recently approved community plan amendment was the Monte Verde project located directly west of the UTC site at the southwest corner of La Jolla Village Drive and Genesee Avenue. The project as approved would construct 560 multi-family residential units where a 400 room hotel was originally approved. Approval of the Monte Verde project actually results in a decrease of Average Daily Trips in the community. Of the three remaining community plan amendments that were initiated in the vicinity of the UTC and Monte Verde sites, two submitted project proposals for staff review but have since been withdrawn (Qualcomm and Equity Office). The one remaining community plan amendment (Costa Verde Regency Retail) has been inactive since initiation. The EIR's for both UTC and Monte Verde included the above plan amendments in their cumulative project analysis.

14. Examination of the benefits of mixed use development including economies of scale, benefits of shared uses, and uses with different peaking characteristics.

The UTC project will provide additional retail uses and housing, both market rate and affordable, in an area where intensive employment, regional, community, and neighborhood commercial services, entertainment, recreation, transit, and high density housing exist within a short walking distance. The project has been designed to prioritize the pedestrian over the automobile. Both site and building design promote walkability and street vitality. The project increases pedestrian, bicycle and transit accessibility and provides new and improved connections between existing developments. The adjacency of uses provides the ability to reduce vehicle trips within the community and provides a larger base population to support transit.

15. Incorporation of urban open space, that is public or private.

The proposed project incorporates a series of pedestrian promenades and courtyards that will be open to the public and link with the pedestrian network within the Urban Node. Additionally, as part of the initial phase of residential development, Westfield UTC would improve the Torrey Trail planning area of the MPDP with park amenities open to the public. Depending on the number of residential units developed under the MPDP, a maximum of 4.1 acres of usable open space and recreational area would be required to serve the maximum residential scenario of 725 units. The park acreage would be located on-site adjacent to the residential, except the Torrey Trail portion, and would be privately owned and maintained with a recreation easement to allow for general public use.

16. Impacts of the proposed development on infrastructure and road capacity.

See # 1.

17. Establishment of performance standards for development phasing to determine how facilities will be phased and the thresholds for phasing.

See # 10 and 11.

18. Evaluation of alternative land uses and a mix of densities.

See # 3 and 5.

19. Incorporation of design standards to provide an area surrounding the site that is more walkable, including addressing the project's street frontage using such elements as wider sidewalks and siting building out to the sidewalks.

See # 3, 5, 6, 7, and 15.

20. Inclusionary housing with public money involved.

See # 4.

21. Transit connections from the site to La Jolla, UCSD, Sorrento Mesa and regional connections to downtown.

See # 2 and 3.

22 Evaluation of the carrying capacity for the University Community Plan area.

See # 1 and 10.

23. Review of community-wide circulation, transit and facilities financing issues concurrently with the plan amendment.

See # 1 and 10.

(R-2002-INSERT)

RESOLUTION NUMBER R-_____

ADOPTED ON _____

APPROVING AN AMENDMENT TO THE GENERAL PLAN AND THE UNIVERSITY
COMMUNITY PLAN FOR THE WESTFIELD UNIVERSITY TOWNE CENTER
REVITALIZAION PROJECT

WHEREAS, on DATE, the City Council of the City of San Diego held a public hearing to consider the amendments to the General Plan and the University Community Plan, for the Westfield University Towne Center Revitalization project; and

WHEREAS, Westfield Corporation, Inc., requested an amendment to the General Plan and the University Community Plan to revitalize and expand the existing regional shopping mall by 610,000 to 750,000 square feet of retail use and 250 to 725 multi-family residential units at a location within the University Community identified as a high density, mixed-use urban node; and

WHEREAS, Council Policy 600-7 provides that public hearings to consider revisions to the Progress Guide and General Plan for the City of San Diego may be scheduled concurrently with public hearings on proposed community plans in order to retain consistency between said plans, and the City Council has held such concurrent public hearings; and

WHEREAS, the Planning Commission of the City of San Diego found the proposed amendment consistent with the General Plan; and

WHEREAS, the Council of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW THEREFORE,

001468

BE IT RESOLVED, by the Council of The City of San Diego, that it adopts the amendments to the General Plan and the University Community Plan, a copy of which is on file in the office of the City Clerk as Document No. RR-XXXXX, DATE.

APPROVED: MICHAEL AGUIRRE, City Attorney

By _____

Deputy City Attorney

MJL:pev

INSERT Date

Or.Dept:DSD

R-2002- INSERT

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001469

UTC REVITALIZATION

Project No. 2214; Work Order No. 41-1059
 Proposed Changes to the University Community Plan
 February 29, 2008

1. P.64**OBJECTIVE:**

Reinforce the roles of La Jolla Village Drive and Genesee Avenue as ceremonial, auto-oriented, landscaped parkways serving as unifying urban design elements and orientation resources in the community.

ACCOMPLISHED BY:

- Ensuring median landscaping on these streets.
- ~~Prohibiting on-street parking along these arterials throughout their passage through the community. These roads should function strictly as traffic movers.~~

2. P.65**OBJECTIVE:**

Ensure that the street yards of private developments bordering La Jolla Village Drive and Genesee Avenue support the desired image and monumental quality of these roads.

ACCOMPLISHED BY:

- ~~Retaining the sloping landscaped berms along the borders of La Jolla Village Drive and Genesee Avenue~~

[Delete image]

~~Cross Section—La Jolla Village Drive~~

- Maximizing landscaping investments by using drought tolerant plants. The Landscape Technical Manual for the City of San Diego includes reference materials for water conserving plants. Developers and designers should use this manual as an aid for selecting plant materials for design projects.

001470

3. P.66, P.73, P.75, P.78, P.82: Graphic Changes only4. P.80**OBJECTIVE:**

Retrofit development bordering the Urban Node Pedestrian Network with pedestrian-oriented uses and amenities which contribute to street vitality.

ACCOMPLISHED BY:

- Allowing infill development on existing street yards and surface parking lots bordering the Urban Node Pedestrian Network shown in **Figure 10**. Examples of pedestrian-oriented uses include restaurants, retail shops, hotel lobbies, cafes, cultural institutions, entertainment, etc. Examples of desired amenities include transparent walls, entrances, windows, plazas, seating, special lighting and paving, unique landscaping forms, art and water features, atriums, courtyards, etc. New infill development consistent with the guidelines of this Urban Design Element would provide economic incentives to developers in return for their contributions to the public realm and community livability.
- Limiting the height of above-infill development to a maximum of 15 feet.
- Ensuring that the new street yard infill development parallels the alignment of the adjacent pedestrian network in order to provide a sense of enclosure and maintain the street wall.

5. P. 166, Item #43 (University Towne Center)

Table 3: Land Use and Development Intensity

Change the Land Use and Development Intensity from "1,061,000 SF Regional Commercial" to "1,811,409 SF Regional Commercial GLA and 250 DU ⁽⁹⁾"

Add note #9:

⁽⁹⁾ This property is subject to an approved Master Planned Development Permit (MPDP), which permits adjustment to the levels of retail and residential development (up to 725 units) within the intensity envelope for the property defined by the MPDP."

001471

6. P.181*Table 7 revisions for UTC's proposed project*

PROPOSED RESIDENTIAL DENSITY/UNITS/POPULATION									
	Acres			Units			Population		
	North	South	Total	North	South	Total	North	South	Total
5-10 du/ac	130	662	792	1,143	5,300	6,443	2,309	15,741	18,050
10-15 du/ac	88	12	100	1,285	161	1,446	2,596	478	3,074
15-30 du/ac	534	12	546	11,610	359	11,969	23,452	1,066	24,518
30-45 du/ac	53	3	56	2,075	132	2,207	4,192	392	4,584
45-75 du/ac	91	0	91	6,341	0	6,341	12,809	0	12,809
Total	896	689	1,585	22,454	5,952	28,406	45,358	17,677	63,035

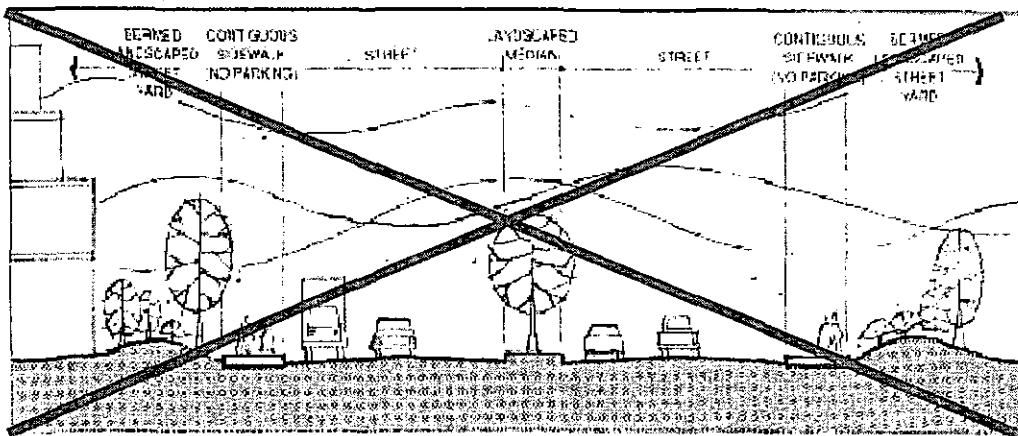
7. P.196 (Figure 33)

Add footnote to Figure 33 (Commercial Land Uses):

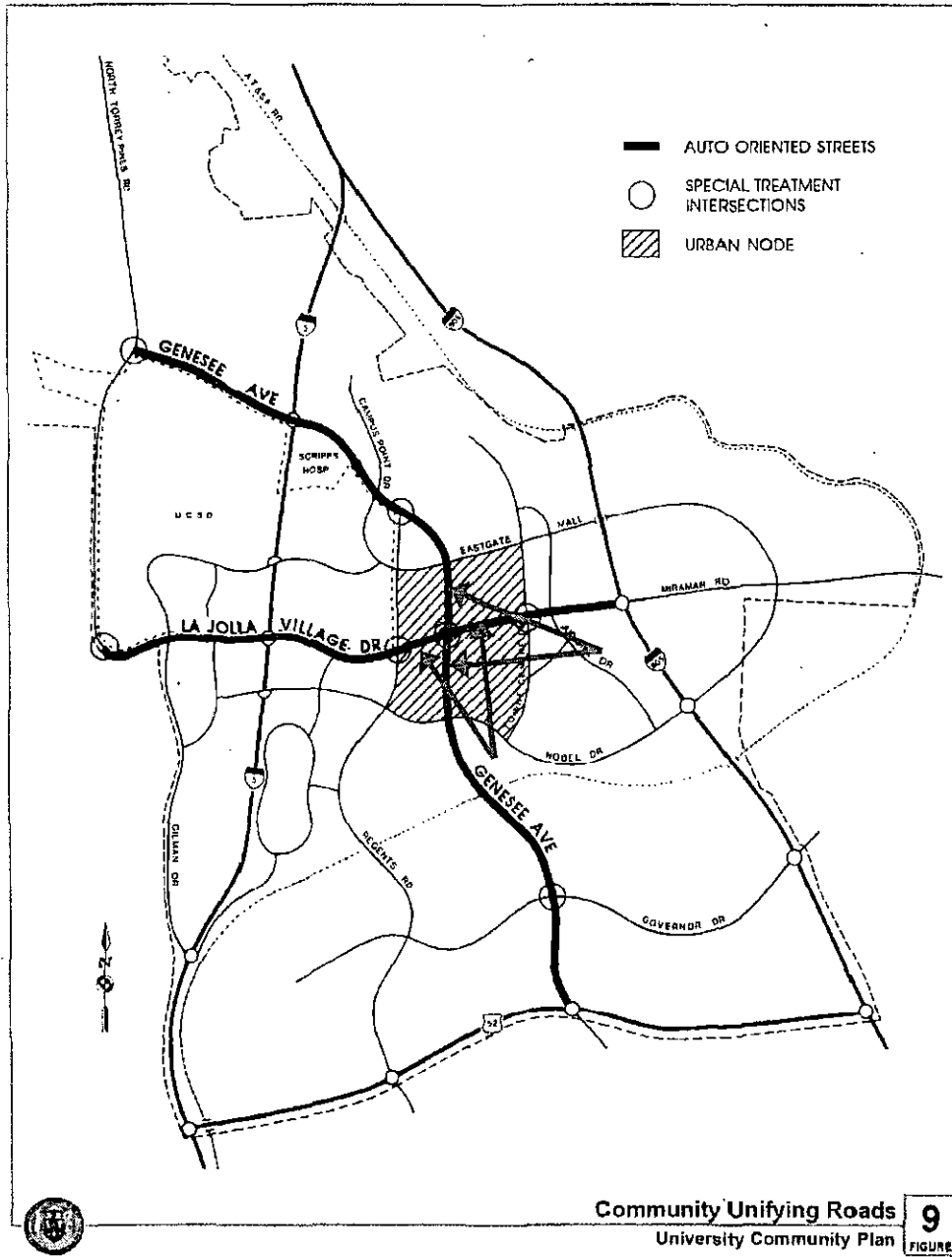
"In addition to the commercial land uses permitted on the University Towne Center site, residential uses may be included under the approved Master Planned Development Permit for the site, up to a maximum of 725 residential units. See Table 3, Land Use and Development Intensity, area #43 for further detail."

8. P.225

According to the Progress Guide and General Plan guidelines for population-based parks, the University community, with a population of 63,035 residents, should be served by a total of approximately three two-community parks of 20 usable acres each, one of 13 usable acres and one of 20 usable acres, and 11-13 neighborhood parks of 10 usable acres each, unless adjacent to a school, where joint use of the playfields is possible, one of five usable and ten of ten acres each (Table 9). For a community with an estimated population of 58,263 the population-based park acreage should total 138 acres. Population-based park acres should total 176 usable acres, taking into account the joint use of adjacent schools. As is indicated in **Table 9**, the existingproposed population-based park acreage is 102.24 usable 90.6 acres, a shortfall of approximately 50 usable 47.4 acres. The existingproposed facilities would result in approximately 1.59 acres of usable parkland per 1000 residents.

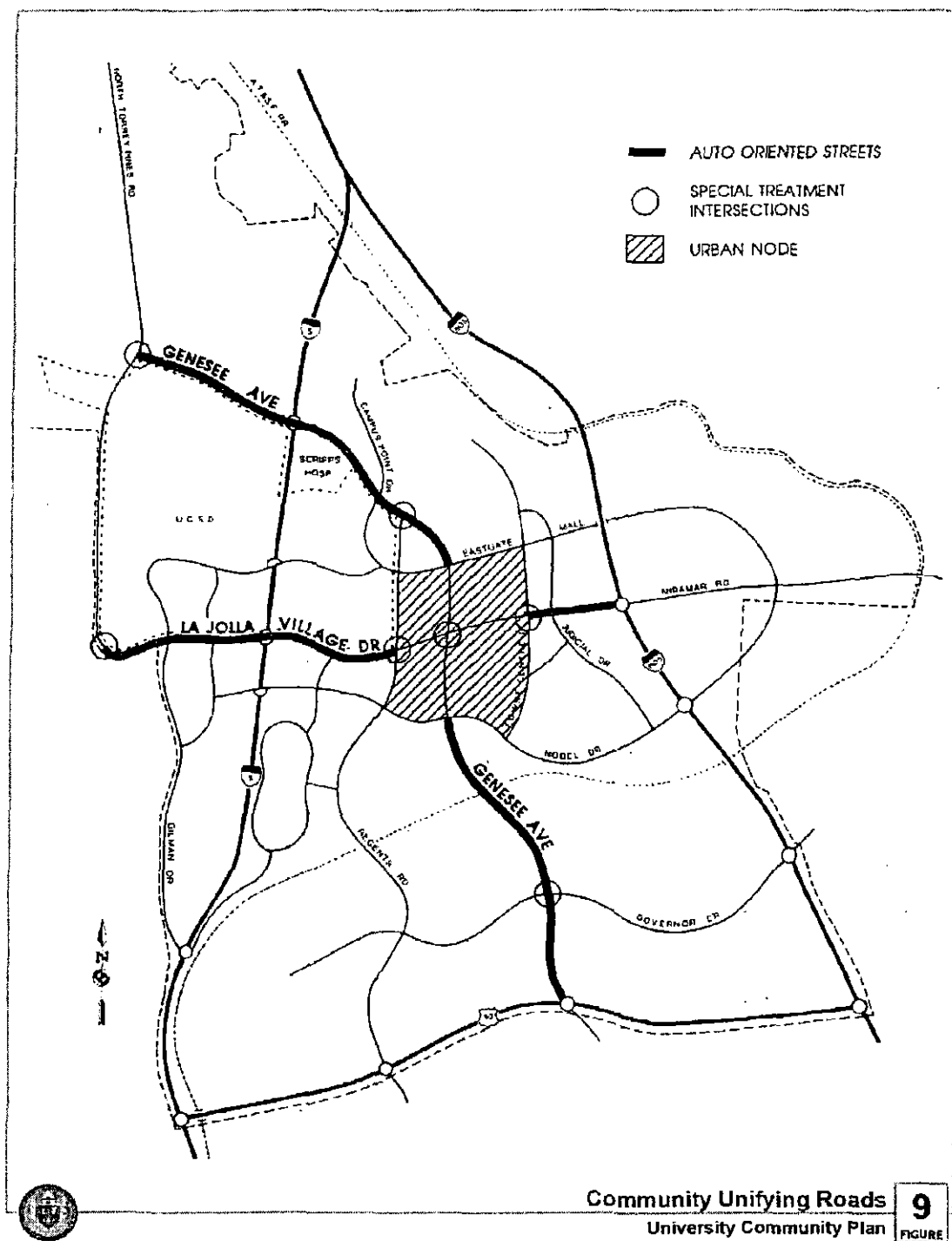


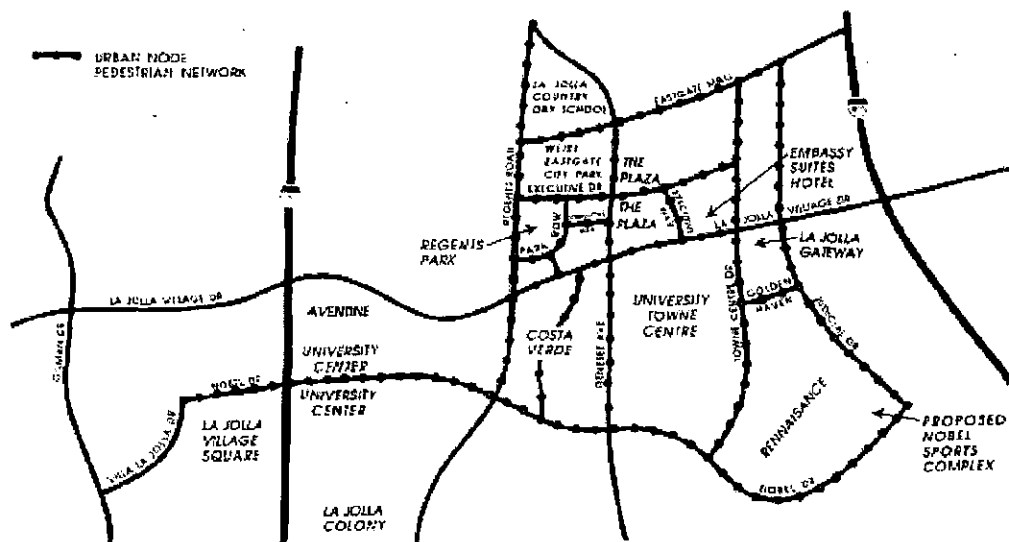
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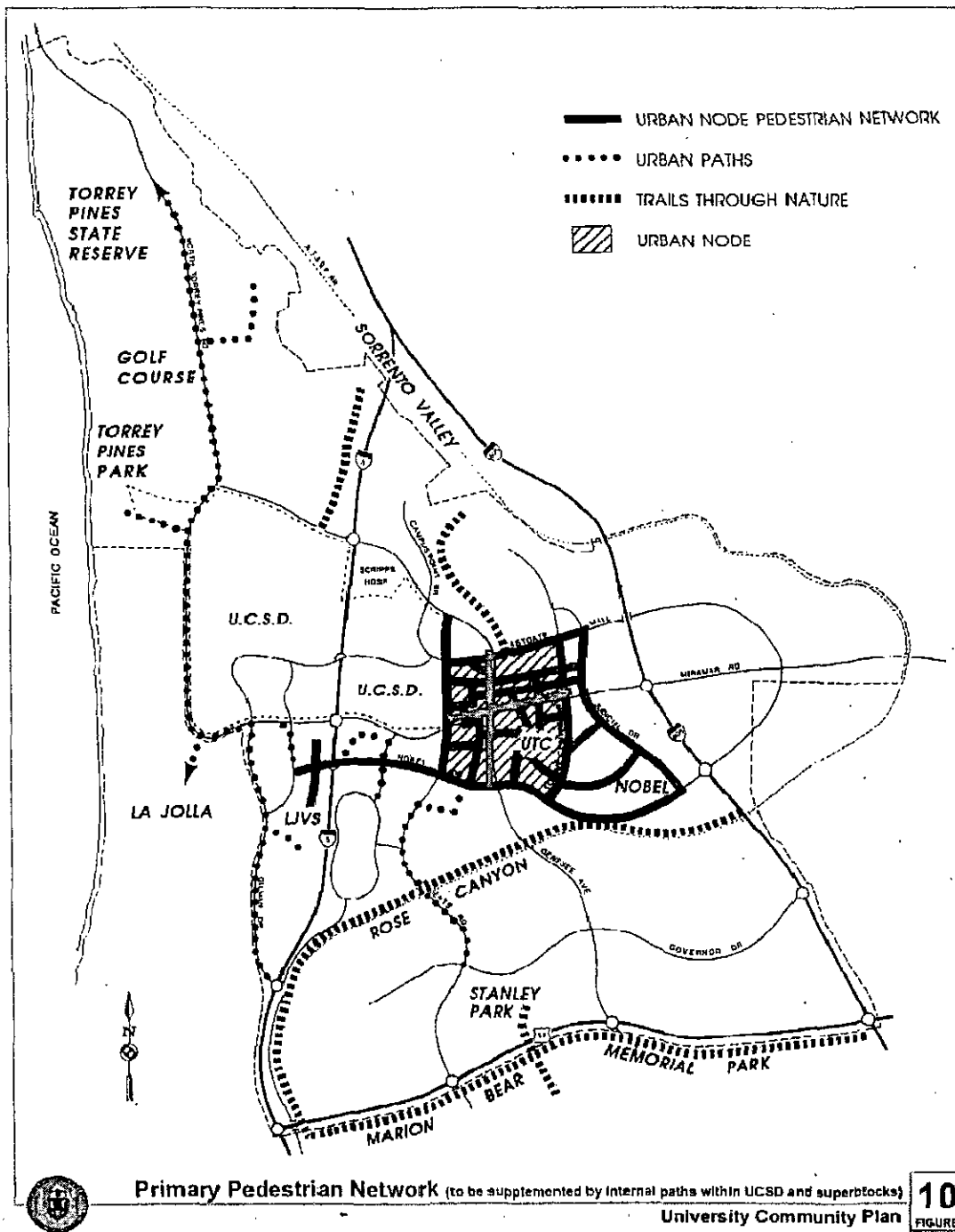


P.66: Remove "Auto Oriented Streets" designation within the Urban Node for La Jolla Village Drive and Genesee Ave.

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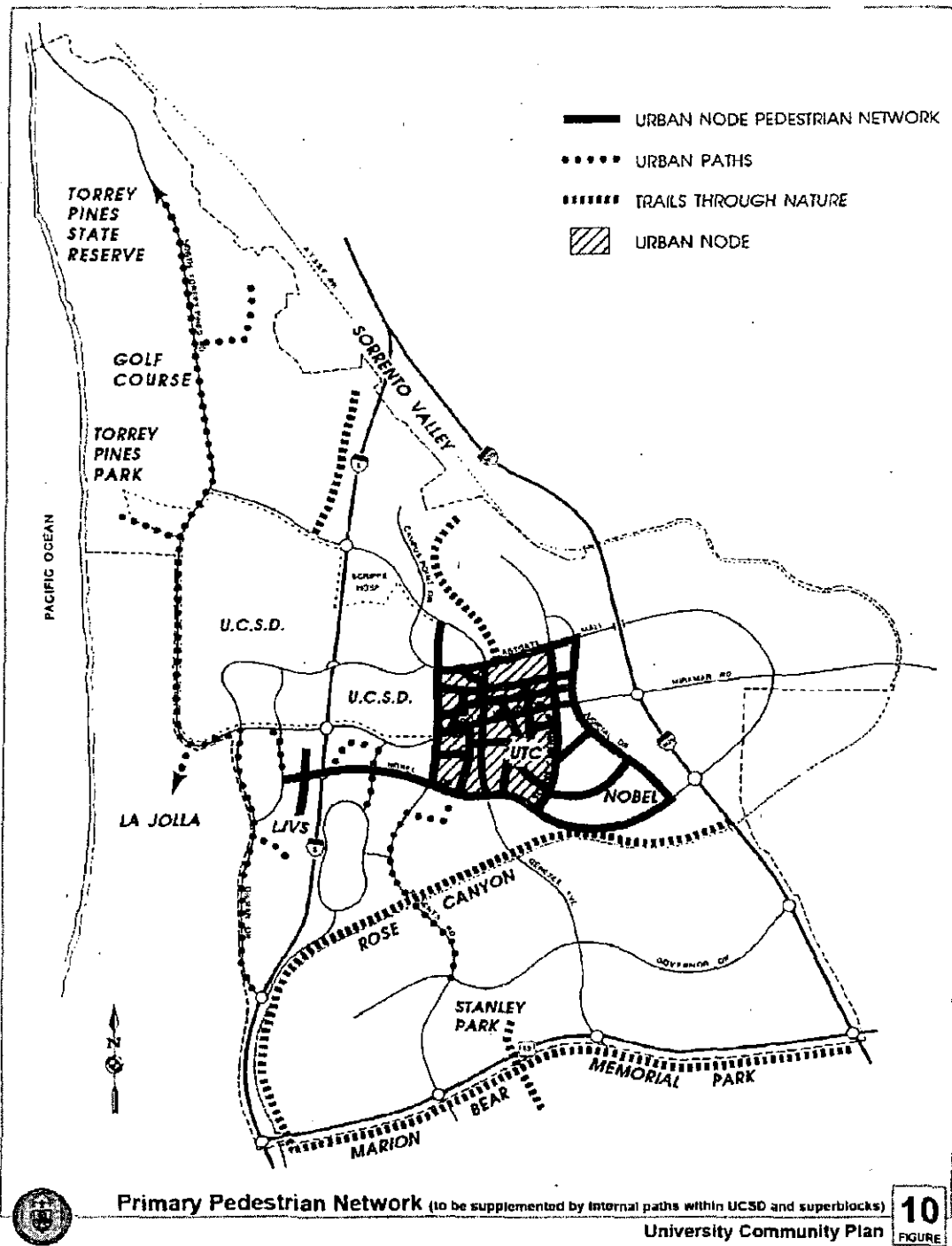


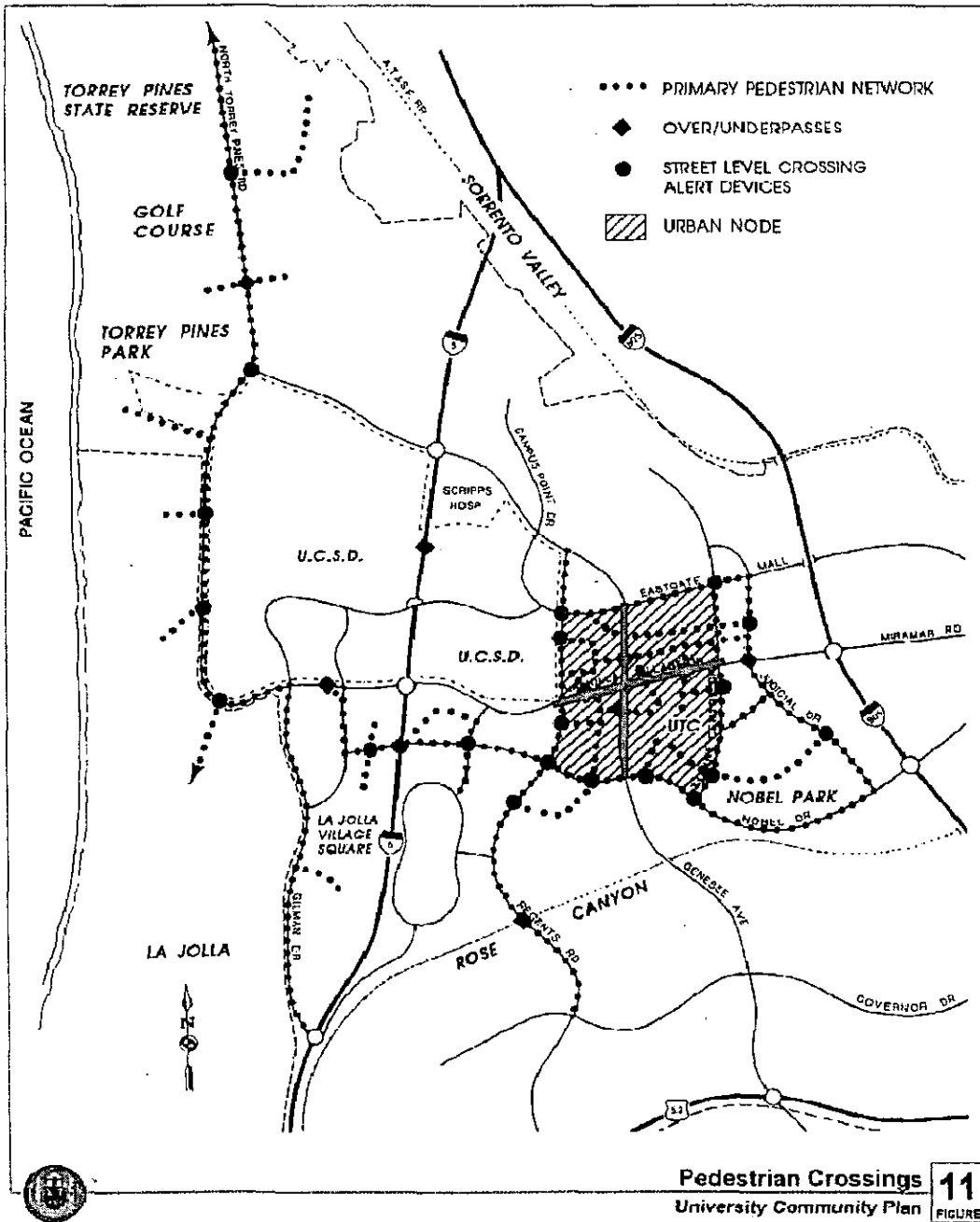




P. 75: Designate these portions of LJVD and Genesee as part of the urban node pedestrian network.

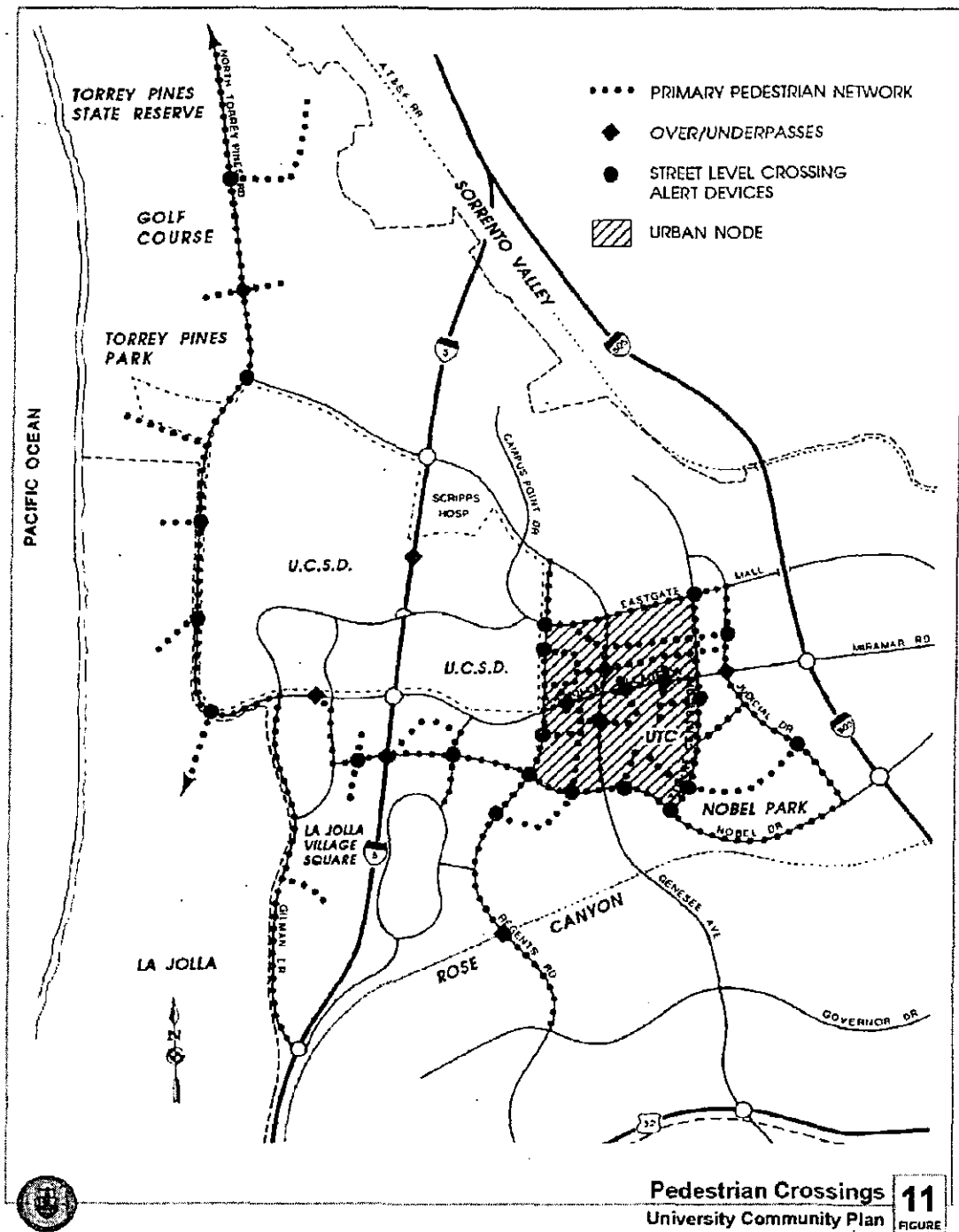
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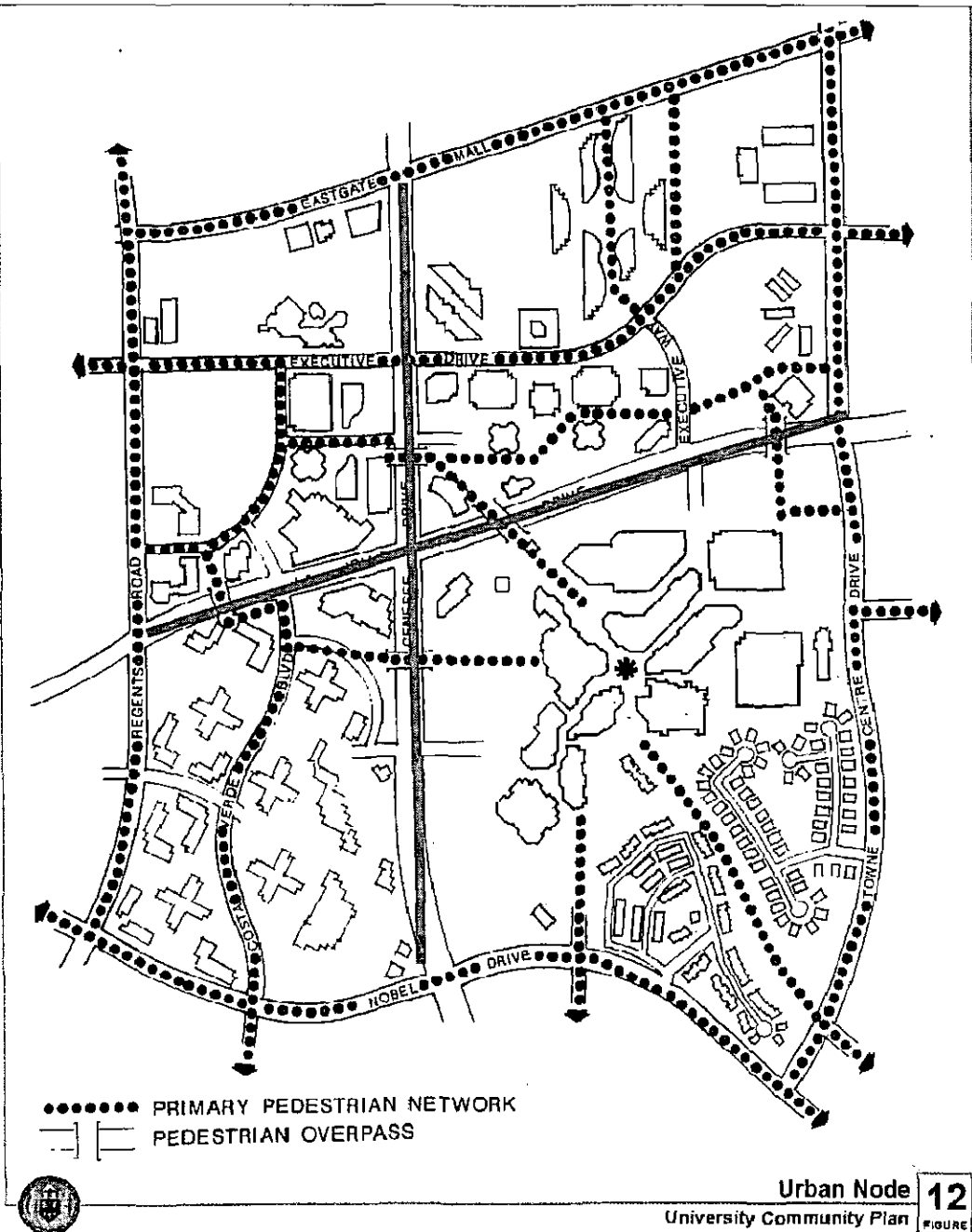




P. 78: Designate these portions of LJVD and Genesee as part of the urban node pedestrian network.

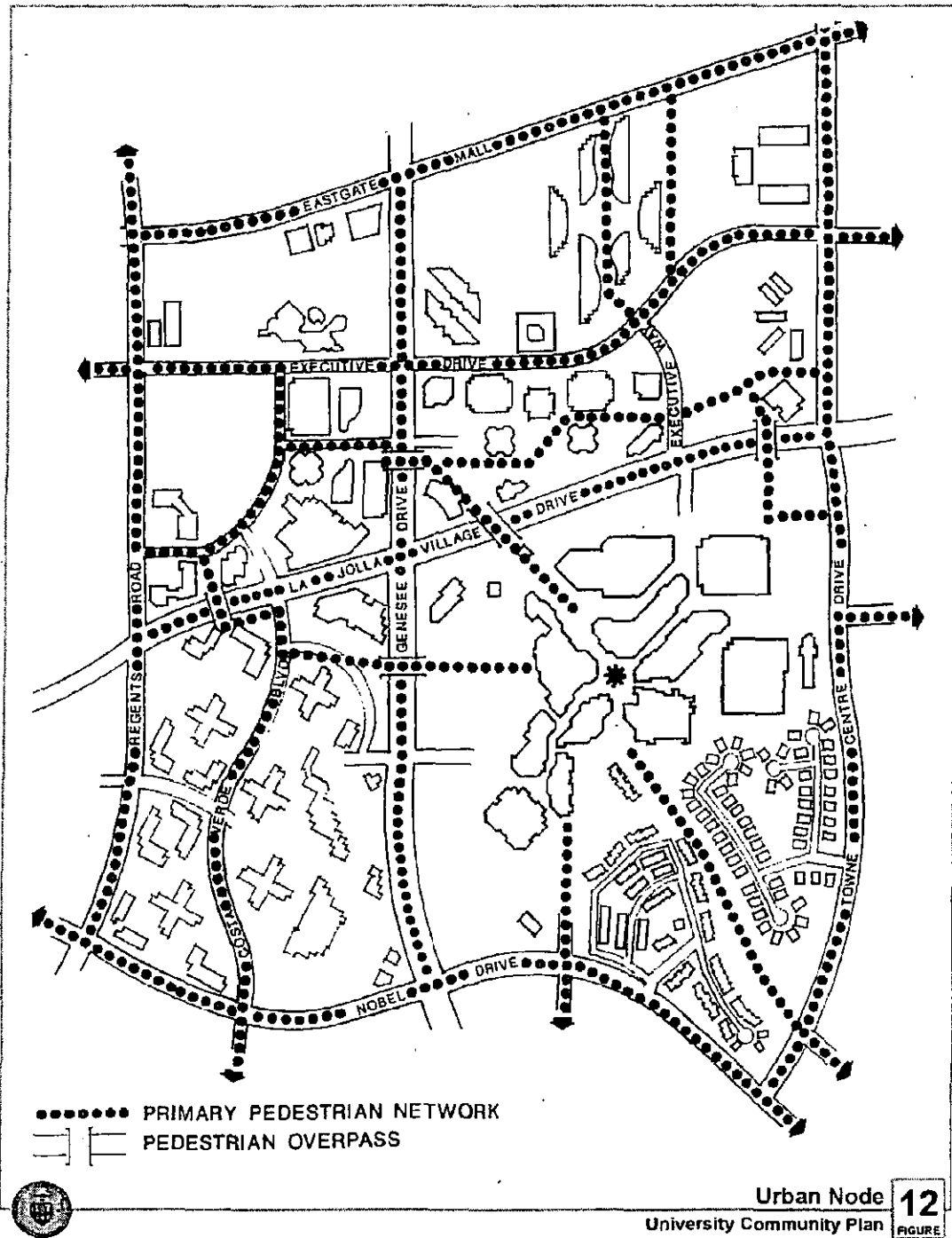
001480





P. 82: Designate these portions of LJVD and Genesee as part of the urban node pedestrian network.

001482



SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY

ATTACHMENT 16

P.O. BOX 82776, SAN DIEGO, CA 92138-2776
619.400.2400 WWW.SAN.ORG

001483

March 26, 2008

City of San Diego
Mr. Tim Daly
Development Services Dept.
1222 First Avenue, MS 501
San Diego, CA 92101

Re: *San Diego County Regional Airport Authority, Airport Land Use Commission Determination – University Towne Center, City of San Diego; Community Plan Amendment and Rezone for additional retail, office and hotel uses; APN# 345-090-07, -08, -13, -14, -15, -16 and -17; MCAS Miramar Airport Land Use Compatibility Plan – MIR-08-001; Resolution No. 2008-0002 ALUC*

Dear Mr. Fisher:

This letter is to notify the City of San Diego ("City") of the January 3, 2008, consistency determination that was made by the San Diego County Regional Airport Authority ("Authority" or "SDCRAA"), acting in its capacity as the San Diego County Airport Land Use Commission ("ALUC"), for the referenced project. The ALUC has determined that the proposed project is **conditionally consistent** with the Marine Corps Air Station (MCAS) Miramar Airport Land Use Compatibility Plan ("ALUCP"). A copy of Resolution 2008-0002 ALUC, approved by the ALUC on January 3, 2008, and memorializing the consistency determination, is enclosed for your information:

The ALUC's determination that the University Towne Center project is **conditionally consistent** with the MCAS Miramar ALUCP was made consistent with the ALUC Policies and the State Aeronautics Act provisions (Cal. Pub. Util. Code §21670-21679.5), and was based on numerous facts and findings, including those summarized below:

- (1) The proposed project involves a conceptual site design plan for additional retail, office, hotel, and residential uses at a regional shopping mall.
- (2) The proposed project is located outside the 60 and within the 60-65 dB CNEL noise contours for MCAS Miramar. The MCAS Miramar ALUCP identifies all uses as compatible outside the 60 dB CNEL noise contours, and new residential and hotel uses as conditionally compatible within the 60-65 dB CNEL noise contours provided that the units are sound attenuated to the 45 dB CNEL interior noise level. Therefore, as a condition of project approval, the hotel and residential uses within the 60-65 dB CNEL noise contours of the project must be sound attenuated to the 45 dB CNEL interior noise level.
- (3) The MCAS Miramar ALUCP requires that all structures greater than two hundred feet above ground level be submitted to the FAA for an obstruction evaluation. Preliminary evaluations of twenty conceptual vantage points of the project by the FAA yielded corresponding determinations of no hazard. However, no actual building plans have been provided of the project; therefore, in order to determine if structures comply with the height limitations of the MCAS Miramar ALUCP, any future structures must be submitted to the ALUC for review.



SAN DIEGO
INTERNATIONAL
AIRPORT

Mr. Tim Daly
Page 2

- (4) The proposed project is located outside the Accident Potential Zones (APZs) for MCAS Miramar.
- (5) The MCAS Miramar ALUCP states that the final determination of compatibility of projects is with the U.S. Marine Corps. Therefore, the proposed project must be reviewed by MCAS Miramar for a determination of compatibility.
- (6) Therefore, if the proposed project contains the above-required conditions, the proposed project would be consistent with the adopted MCAS Miramar ALUCP.
- (7) This Board action is not a "project" as defined by the California Environmental Quality Act (CEQA) Pub. Res. Code Section 21065; and is not a "development" as defined by the California Coastal Act Pub. Res. Code Section 30106.

Please contact Ms. Sandi Sawa at (619) 400-2464 if you have any questions regarding the issues addressed in this letter.

Very truly yours,



Thella F. Bowens
President/CEO

TFB/SS/arw

Enclosures: Resolution 2008-0002 ALUC

cc: Amy Gonzalez, SDCRAA – General Counsel
Mary Frederick, Caltrans – Division of Aeronautics
C. Laura Thornton, MCAS Miramar
Tait Galloway, City of San Diego, Planning & Community Investment

RESOLUTION NO. 2008-0002 ALUC

A RESOLUTION OF THE BOARD OF THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY MAKING A DETERMINATION THAT THE PROPOSED PROJECT: UNIVERSITY TOWNE CENTRE, COMMUNITY PLAN AMENDMENT AND REZONE FOR ADDITIONAL RETAIL, OFFICE, HOTEL, AND RESIDENTIAL USES, CITY OF SAN DIEGO, IS CONDITIONALLY CONSISTENT WITH THE ADOPTED MARINE CORPS AIR STATION (MCAS) MIRAMAR AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP).

WHEREAS, the Airport Authority, acting in its capacity as the Airport Land Use Commission for San Diego County, was requested by the City of San Diego to determine the consistency of a proposed development project: University Towne Centre, Community Plan Amendment and Rezone for Additional Retail, Office, Hotel, and Residential Uses, City of San Diego, which is located within the Airport Influence Area (AIA) for the Marine Corps Air Station Miramar (MCAS Miramar) Airport Land Use Compatibility Plan (ALUCP), originally adopted in 1977 and amended in 1990, 1992, and 2004; and

WHEREAS, the proposed project is a conceptual site design plan for additional retail, office, hotel, and residential units on the property of a regional shopping mall; and

WHEREAS, the project would be located outside the 60 and within the 60-65 decibel (dB) Community Noise Equivalent Level (CNEL) noise contours for MCAS Miramar, and the MCAS Miramar ALUCP identifies all uses as compatible outside the 60 dB CNEL noise contours, and new residential and hotel uses as conditionally compatible within the 60-65 dB CNEL noise contours provided that the units are sound attenuated to the 45 dB CNEL interior noise level; and

WHEREAS, the proposed project is a conceptual plan that does not contain actual building plans, and therefore must be considered conditionally consistent based upon preliminary determinations of no hazard issued by the Federal Aviation Administration (FAA), subject to future review of building plans by the ALUC at the time of proposed construction, in order to determine compliance with the height restrictions of the MCAS Miramar ALUCP; and

WHEREAS the proposed project is not located within the APZs of MCAS Miramar; and

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WHEREAS, the City of San Diego, as permitting jurisdiction for the proposed project, has responsibility to consult with the United States Marine Corps (USMC) to review the project for consistency with the Air Installations Compatible Use Zones (AICUZ) land use compatibility guidelines for MCAS Miramar operations, including evaluating the height of all proposed structures with FAA Part 77 airspace surfaces for MCAS Miramar and the 100:1 slope surface extending 20,000 feet above the nearest point of the nearest runway; and

WHEREAS, this Airport Authority has considered the information provided by staff, including information in the staff report and other relevant material regarding the project; and

WHEREAS, the Board has provided an opportunity for the City of San Diego, the United States Marine Corps, and interested members of the public to present information regarding this matter;

NOW THEREFORE BE IT RESOLVED, that the Board, serving as the ALUC for San Diego County, pursuant to Section 21670.3 of the Public Utilities Code, determines that the proposed project: University Towne Centre, Community Plan Amendment and Rezone for Additional Retail, Office, Hotel, and Residential Uses, City of San Diego, is conditionally consistent with the adopted Marine Corps Air Station (MCAS) Miramar Airport Land Use Compatibility Plan (ALUCP), which was adopted in 1977 and amended in 1990, 1992, and 2004, based upon the following facts and findings:

- (1) The proposed project involves a conceptual site design plan for additional retail, office, hotel, and residential uses at a regional shopping mall.
- (2) The proposed project is located outside the 60 and within the 60-65 dB CNEL noise contours for MCAS Miramar. The MCAS Miramar ALUCP identifies all uses as compatible outside the 60 dB CNEL noise contours, and new residential and hotel uses as conditionally compatible within the 60-65 dB CNEL noise contours provided that the units are sound attenuated to the 45 dB CNEL interior noise level. Therefore, as a condition of project approval, the hotel and residential uses within the 60-65 dB CNEL noise contours of the project must be sound attenuated to the 45 dB CNEL interior noise level.